THE HISTORY OF THE REVOLUTION OF SOUTH-CAROLINA,

FROM A BRITISH PROVINCE TO AN INDEPENDENT STATE.

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IN TWO VOLUMES.

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MVSEVM
BRITAN
NICVM

PREFACE.

TO record paſt events, for the inſtruction of man, ought to be the object of hiſtory. At this the writer of the following ſheets has ſteadily aimed; with what ſucceſs the impartial publick will determine. He ſaw with regret the tranſactions of each ſucceeding year occupying the publick mind, while thoſe of the preceding were faſt haſtening to oblivion. He conceived that the revolution of the governments of America, from Britiſh provinces into independent ſtates, exhibited many uſeful leſſons, both to princes and people. This view of the

great event incited him to compile a ſuccinct account of the beginning, progreſs and concluſion, of the war, which terminated in the change of the government of that part of the United States with which he was beſt acquainted. He would have been pleaſed could he have extended his plan; and his work, perhaps, would have been more acceptable: but his knowledge of the affairs of the middle and northern ſtates was not ſufficiently particular to warrant his attempting the hiſtory of the whole. He has therefore confined himſelf to the revolution of his own ſtate, and has introduced the tranſactions of the neighbouring ſtates only where their connection with, and influence upon, the affairs of South-Carolina rendered it neceſſary. By limiting his ſubject he has been enabled to be more particular, and he preſumes more accurate.

rate. His opportunities of information have been conſiderable, from his being actually a witneſs to many of the events recorded in the following hiſtory. From the year of the declaration of independence, to the termination of the war, he had the honour of repreſenting Charleſton in the legiſlature of the ſtate. For two years he had the additional honour of being one of the privy-council, and for one year of repreſenting the ſtate in the continental Congreſs. Beſides ſerving in theſe civil offices he was frequently in the field with the army, in the line of his profeſſion, attending on the ſick and wounded. Where his own knowledge was inſufficient he has ſought for information from thoſe who were the immediate actors. He has freely converſed with the partiſans for both the old and new government. He has examined almoſt all the fields of bat-

tle,

tle, and has had acceſs to the official returns, orderly-books, and deſpatches, ſent or received by the American generals. The motives and deſigns of particular movements he has learned from the fountain-head, by converſing with thoſe who had the direction of publick affairs, both in the civil and military line. During his attendance on Congreſs he carefully peruſed every official deſpatch ſent to that honourable body, which related to the tranſactions upon which he had undertaken to write. From theſe original ſources he has compiled the following work. He declares that, embracing every opportunity of obtaining genuine information, he has ſought for truth, and that he has aſſerted nothing but what he believes to be fact. If he ſhould be miſtaken he will, on conviction of his error, willingly retract it. During the

the whole time of his writing he has carefully watched the workings of his mind, leſt paſſion, prejudice or a party-ſpirit, ſhould warp his judgment. He has endeavoured to impreſs on himſelf how much more honourable it was to write impartially, for the good of mankind, than to condeſcend to be the apologiſt of a party. He has often reflected that an hiſtorian ſhould neither be a panegyriſt nor ſatiriſt, but an impartial recorder of paſt events, for the information of after ages. Notwithſtanding this care to guard againſt partiality, he expects to be charged with it by both of the late contending parties. The ſuffering Americans, who have ſeen and felt the ravages and oppreſſions of the Britiſh army, will accuſe him of too great moderation, and of being too ſparing of cenſure. Europeans who have heard much of American

can cowardice, perfidy and ingrati
tude, and more of Britiſh honour
clemency and moderation, will proba
bly condemn his work as the off
ſpring of party-zeal. The impoſſibi
lity of pleaſing both, has induced him
to decline the fruitleſs attempt o
aiming to pleaſe either; and inſtead
thereof to follow the attractions o
truth, whitherſoever ſhe might lead.

THE author has been leſs particu
lar in reciting the movements and
arrangements of the Britiſh than o
the American army, becauſe he had
fewer opportunities of obtaining in
formation of the former than of the
latter. He farther informs the reader
that the epithets Whig and Tory are
uſed in the following ſheets in a ſenſe
different from what has been uſual.
By the latter he means thoſe of the
inhabitants of America who were

the

he friends of royal government; y the former, and alſo by the more eneral appellation American, he in- ends thoſe who favoured the re- olution.

Charleſton, Oct. 12, 1784.

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THE HISTORY OF THE REVOLUTION IN SOUTH-CAROLINA.

CHAPTER FIRST.

A ſhort view of the province of South-Carolina, and of events introductory to open hoſtilities.

THE firſt charter of Carolina was granted about the year 1662, and contained a grant of all the lands lying between 31 nd 36 degrees of north latitude. About the ear 1664 a ſecond and more ample charter was btained, comprehending a tract of country ſeven nd a half degrees broad, bounded by the Atlanc on the eaſt, the Pacific on the weſt, and on e north and ſouth by two parallel lines, to beın on the ſhores of the Atlantic, the one at 29

degrees north latitude, the other at 36—30, and from theſe points to be continued due weſt till they reached the Pacific ocean. This extenſive grant of territory ſuffered alterations from various cauſes. By ſubſequent charters of the King of England the original extent of Carolina on the ſea coaſt has been divided into North-Carolina South-Carolina and Georgia. South-Carolina, is the moſt ſouthern of the thirteen United States of North-America, Georgia excepted, and extends along the ſea from the mouth of Savannah river a few miles to the northward of the northeaſt extremity of Long-Bay, a diſtance of about two hundred miles, and is ſettled between two and three hundred miles to the weſtward. It is bounded to the northward by a line which ſeparates it from North-Carolina—to the eaſtward by the Atlantic ocean. Its boundaries to the ſouthward and weſtward are the ſubject of controverſy. For eighty or a hundred miles from the ſea coaſt it is an even plain. No rocks nor ſtones nor hills of any height are to be ſeen. From this to the weſtward the country is beautifully diverſified with hills and vallies, and exhibits many delightful proſpects. A vaſt ridge of mountains runs through South-Carolina in common with the other parts of North-America, from the weſtern ſides of which the waters flow into the Miſſiſippi, from the eaſtern into the Atlantic. South-Carolina is watered by the rivers Savannah, Ediſto, Santee and Peedee, which take their riſe in theſe heights. There are ſeveral other

river

vers of a ſecondary ſize, which are either arms the ſea, or originate, ſome from hills in the art of the country, and others from ſavannahs ſwamps. Of theſe kinds are Caaſaw, Combaee, Waccamaw, Aſhley, Cooper and Black rivers. From the circuitous windings of ſundry rms of the ocean the coaſt is chequered by ſea lands.

THE low lands produce rice in great abundance. The high lands proviſion, grain of all ſorts, ndigo and tobacco. Orchards and meadows are dvantageouſly cultivated at ſome diſtance from he ſea coaſt. The interior part of the ſtate is ttled in ſmall farms, which yield the neceſſaies of life in the greateſt plenty. The canes, ithout fodder or grain, afford, throughout the hort winter, ample ſupport for numerous herds f cattle. The ſoil produces every commodity hat grows in any of the United States, beſides ice, indigo and madder, which are peculiar to tſelf and the adjacent ſtates. Such is the mildneſs of the winter, that for eight months of the ear the climate is delightful. The weſtern country is at all ſeaſons free from the extremes of eat and cold, and is favourable to health and ongevity.

THE firſt ſettlement of the province was made in he year 1669, on the neck of land between Aſhley nd Cooper rivers, by a few adventurers who emarked from England in two veſſels. The ſubſequent

quent ſettlers were a medley of different nations, and compoſed of the moſt contradictory characters. From England, the colony received both the friends of the parliament and the adherents to the royal family. The ſervants of the crown, from motives of policy, encouraged the emigration of the former, and grants of land were freely beſtowed on the latter, as a reward of their loyalty. A conſiderable number of French proteſtants, after the revocation of the edict of Nantz, found an aſylum in South-Carolina, and became very uſeful inhabitants. Many of the Dutch coloniſts, diſſatisfied with their ſituation in New-York, after the ſubmiſſion of that colony to the crown of England, repaired thither, and contributed much by their induſtry to the cultivation of the province. The ſucceſs that attended them induced more of their countrymen to follow their example. An Iriſh ſettlement was planted near Santee between the year 1730 and 1740, to which was given the name of Williamſburg townſhip. In the ſame period ſeveral families of Switzers ſettled on the northeaſt ſide of Savannah river, under the auſpices of their countryman John-Peter Pury. From this gentleman the village of Puryſburgh took its name. From 1748 to 1755 great numbers of Palatines were introduced—they ſettled Orangeburgh, Congaree and Wateree. After the battle of Culloden a number of the vanquiſhed Highlanders were tranſported to South-Carolina. But the moſt conſiderable æra of population was after the peace of Paris in 1763. Soon after that

that event, the aſſembly of the colony appropriated a large fund for bounties to foreign proteſtants who ſhould ſettle in the interior parts. In conſequence of this encouragement many arrived from Europe, particularly from Ireland. Great numbers alſo migrated from Virginia, Pennſylvania, and the other northern provinces. From theſe various ſources of population ſettlements were made, in ten years after the peace of Paris, one hundred and fifty miles to the weſtward, beyond all that had taken place in the preceding hundred years.

THE government of the country, for the firſt fifty years, was proprietary. About the year 1719 the inhabitants, finding that they were not ſufficiently protected by that conſtitution, effected a change of government from proprietary to regal, in a manner ſomewhat ſimilar to that which their poſterity, fifty years afterwards, adopted in accompliſhing a revolution from royal to republican. The buſineſs was conducted with great addreſs by a convention of the people, who acted under the ſanction of the firſt law of nature—ſelf-preſervation. They refuſed to do any buſineſs with Robert Johnſon the proprietary governor, but at the ſame time offered to obey him if he would hold the reins of government in the name of the King of Great-Britain. This being refuſed, they choſe James Moore for their governor. The people, with great unanimity, bound themſelves by an aſſociation to ſtand by each other in defence

fence of their rights and privileges againſt the ty-
ranny of the proprietors and their officers: this
they honourably obſerved until the revolution
was completed. A ſtate of the whole proceed-
ings of the people, and of the cauſes of their diſ-
ſatisfaction with the lords proprietors, being laid
before the regency in England, it was determined
that the proprietary charter was forfeited. In
conſequence of which the province was taken un-
der the immediate protection of the crown.

From this period the government was regal.
The crown appointed a governor, and delegated
to him its conſtitutional powers civil and mili-
tary. He had a negative on all the bills paſſed
by the aſſemblies; and the power of convening,
proroguing and diſſolving them. He had powers
of chancery, admiralty, of ſupreme ordinary, and
of appointing civil magiſtrates and militia officers.
To him alſo was entruſted the execution of the
laws. The crown appointed a council, with
powers to adviſe the governor, and to aſſiſt in
legiſlation. The houſe of aſſembly conſiſted of
the repreſentatives of the people, who were
elected by them as the houſe of commons in
Great-Britain. The model of the government,
as near as circumſtances would admit, was formed
on the plan of the Engliſh conſtitution. The in-
habitants enjoyed the protection of Great-Britain;
and, in return, the mother-country had a mono-
poly of their trade. Great-Britain received great
benefit by this intercourſe, and the colony, under
her

er protecting care, became great and happy. n South Carolina an enemy to the Hanoverian ucceſſion, or to the Britiſh conſtitution, was carcely known. The inhabitants were fond of Britiſh manners even to exceſs. They for the moſt part ſent their children to Great-Britain for ducation, and ſpoke of that country under the endearing appellation of Home. They were enhuſiaſts for that ſacred plan of civil and religious happineſs under which they had grown up and flouriſhed. All ranks and orders of men gloried n their connection with the mother-country, and n being ſubjects of the ſame King. The laws of he Britiſh parliament, confining their trade for he benefit of the protecting parent ſtate, were very generally and cheerfully obeyed. Few countries have at any time exhibited ſo ſtriking an inſtance of publick and private proſperity as appeared in South-Carolina between the years 1763 and 1775. The inhabitants of the province were in that ſhort ſpace of time more than doubled. Wealth poured in upon them from a thouſand channels. The fertility of the ſoil generouſly repaid the labour of the huſbandman, making the poor to ſing, and induſtry to ſmile through every corner of the land. None were indigent, but the idle and unfortunate. Perſonal independence was fully within the reach of every man who was healthy and induſtrious. The inhabitants, at peace with all the world, enjoyed domeſtick tranquility, and were ſecure in their perſons and property. They were alſo completely ſatisfied with

with their government, and wiſhed not for the ſmalleſt change in their political conſtitution.

In the midſt of theſe enjoyments, and the moſt ſincere attachment to the mother-country, to their King and his government, the people of South Carolina, without any original deſign on their part, were ſtep by ſtep drawn into an extenſive war, which involved them in every ſpecies of difficulty, and finally diſſevered them from the parent-ſtate.

Some alterations in the commercial ſyſtem of the colonies for preventing a contraband trade with the French and Spaniards, and for enlarging the powers of the courts of admiralty, had created great uneaſineſs in ſome parts of the continent; but the South-Carolinians, whoſe commerce was carried on agreeably to the Britiſh laws of trade and navigation, were very little affected by theſe innovations. Yet the parliamentary claim of taxation and unlimited ſupremacy intereſted every American, and created ſuſpicions in the minds of the jealous coloniſts, that the mother-country harboured deſigns unfriendly to their liberties.

From the earlieſt period of the Britiſh colonies, till the acceſſion of George the Third, Great Britain, in time of war, had been in the habit of making requiſitions for ſupplies to the provincial aſſemblies; theſe were ſo liberally granted by

many

many of them, and particularly by that of South-Carolina, that the parliament of Great-Britain had ſometimes reimburſed them for their extraordinary exertions. Till the year 1763 the mother-country contented herſelf with the great advantages reſulting from a monopoly of their trade, and with the ſupplies obtained from them in the way of requiſition. About that period the ſcheme of an American revenue, to be laid by the Britiſh parliament, and collected in the colonies without the conſent of their local Legiſlatures, was introduced. The Britiſh miniſtry were prompted to this innovation by the immenſe load of national debt incurred during the war, which in that year had terminated. They conceived that every part of their dominions ſhould pay a proportion of the publick debt; and that the parliament of Great-Britain, as the ſupreme power, was conſtitutionally inveſted with a right to lay taxes on every part of the empire. This doctrine, ſo plauſible in itſelf, and ſo conformable to the letter of the Britiſh conſtitution, when the whole dominions were repreſented in one aſſembly, was reprobated in the colonies as ſubverſive of their rights, and contrary to the ſpirit of the ſame government, when the empire became ſo far extended as to have many diſtinct repreſentative aſſemblies. The coloniſts conceived that the chief excellence of the Britiſh conſtitution conſiſted in the right of the people to grant or withhold taxes, and in their having a ſhare in the enacting of the laws by which they were to be governed. In Great-Bri-

tain a tax was defined to be a tribute exacted by the ſupreme power of a nation. In America it was ſaid to be a free gift of the people to their rulers for protection and ſecurity. In the mother-country it was aſſerted to be eſſential to the unity of the empire, that the Britiſh parliament ſhould have a right of taxation over every part of their extended dominions. In the colonies it was believed that taxation and repreſentation were inſeparable, and that they could neither be free nor happy if their property could be taken from them without their conſent. The Britiſh miniſtry reaſoned, that all who enjoyed national protection ſhould pay to the ſupport of government. The colonial aſſemblies allowed the poſition, but contended they were to be judges of the abilities of their conſtituents, and had the excluſive right of impoſing taxes on them. They alleged farther that they had granted, and would continue to grant, aids to his Majeſty when called on in a conſtitutional way. The patriots in the American aſſemblies inſiſted that it was eſſential to liberty and happineſs that the people ſhould be taxed by thoſe only who were choſen by themſelves, and had a common intereſt with them.—That they, being the conſumers, ultimately paid Britiſh taxes by purchaſing Britiſh manufactures.—That if Great Britain had a right to confine their trade, and alſo a farther right of laying on what taxes ſhe pleaſed, they were in a moſt deplorable condition of abject dependence. Mr. Locke's celebrated poſition, 'that no man has a right to that which

'another

another has a right to take from him,' was often quoted as a proof that Britiſh taxation virtually annihilated American property.

EVERY thing in the colonies contributed to nouriſh a ſpirit of liberty and independence. They were planted under the auſpices of the Engliſh conſtitution in its purity and vigour. Many of their inhabitants had imbibed a large portion of that ſpirit which brought one tyrant to the block, and expelled another from his dominions. They were communities of ſeparate independent individuals, for the moſt part employed in cultivating a fruitful ſoil, and under no general influence, but of their own feelings and opinions; they were not led by powerful families, or by great officers in church or ſtate. Luxury had made but very little progreſs among their contented unaſpiring farmers. The large extent of territory gave each man an opportunity of fiſhing, fowling and hunting, without injury to his neighbour. Every inhabitant was or eaſily might be a freeholder. Settled on lands of his own, he was both farmer and landlord. Having no ſuperior to whom he was obliged to look up, and producing all the neceſſaries of life from his own grounds, he ſoon became independent. His mind was equally free from all the reſtraints of ſuperſtition. No eccleſiaſtical eſtabliſhments invaded the rights of conſcience, or fettered the free-born mind. At liberty to act and think, as his inclination prompted, he diſdained the ideas of dependence and ſubjection.

COLONIES

Colonies planted by a free government, and growing up to maturity under circumstances so favourable to liberty and independence, could not consent to an abridgment of their privileges. They conceived that the rights of British subjects should be the same on the west as on the east side of the Atlantic, and that therefore no tax should be demanded of them but what had been freely granted by themselves or their representatives.

The first statute that roused the colonists to oppose British taxation was the memorable stamp-act, passed in the year 1765. By this it was enacted, that the instruments of writing, which are in daily use amongst a commercial people, should be null and void in law, unless they were executed on stamped paper or parchment, charged with a duty imposed by the British parliament. This was an ill-chosen precedent for establishing a new claim; for, if carried into effect, it would soon have drained the colonies of all their circulating specie. A less extensive tax might have passed unobserved by the unsuspecting colonists; but the stamp-act was so intimately connected with all publick and private business, that an united vigorous opposition to its taking effect was judged indispensably necessary. To concert an uniform line of conduct to be adopted by the different colonies on this trying occasion, a Congress of deputies from each province was recommended. When this measure was proposed in the assembly of South-Carolina, it was ridiculed by an humorous member in words to the following

ng effect: 'If you agree to the propoſition of compoſing a Congreſs of deputies from the different Britiſh colonies, what ſort of a diſh will you make. New-England will throw in fiſh and onions. The middle ſtates flax-ſeed and flour. Maryland and Virginia will add tobacco. North-Carolina, pitch, tar and turpentine. South-Carolina, rice and indigo, and Georgia will ſprinkle the whole compoſition with ſaw-duſt. Such an abſurd jumble will you make if you attempt to form an union among ſuch diſcordant materials as the thirteen Britiſh provinces.' A ſhrewd country member replied, 'he would not chooſe the gentleman who made the objection for his cook, but nevertheleſs he would venture to aſſert, that if the colonies proceeded judiciouſly in the appointment of deputies to a continental Congreſs, they would prepare a diſh fit to be preſented to any crowned head in Europe.' Though many members of the aſſembly thought the ſcheme chimerical, a ſmall majority adopted the meaſure, and appointed delegates. This firſt ſtep towards continental union was adopted in South-Carolina before it had been agreed to by any colony to the ſouthward of New-England. The example of this province had a conſiderable influence in recommending the meaſure to others who were more tardy in their concurrence. The colonies, on this occaſion, not only preſented petitions, but entered into aſſociations againſt importing Britiſh manufactures till the ſtamp-act ſhould be repealed. On the 18th of March 1766 that favourite point was obtained. This conceſſion had

had the effect of inſpiring the Americans with high ideas of the neceſſity of their trade to Great Britain. Nothing could have been more impolitick than this repeal, provided the miniſtry of England ſeriouſly intended to reſume the ſcheme of an American revenue; and nothing more wiſe had that idea been for-ever dropped. The experiment of taxation was renewed in the year 1767, but in a more artful manner. Small duties were impoſed on glaſs, paper, tea and painters colours. The colonies again petitioned and aſſociated to import no more Britiſh manufactures. In conſequence of which all the duties were taken off excepting three-pence a pound on tea. This ſecond repeal increaſed the confidence of the coloniſts, and encouraged them to continue their oppoſition to parliamentary taxation.

The diſputes occaſioned by theſe abortive attempts to raiſe a revenue, cauſed a fermentation in the minds of the people, and gave birth to many enquiries reſpecting their natural rights and their connexion with Great-Britain. The former produced a high ſenſe of liberty: the latter a general conviction that there could be no ſecurity for American property if the colonies were to be taxed at the diſcretion of a parliament in which they were unrepreſented, and over which they had no control. A determination to oppoſe this new claim of taxation, however diſguiſed, very generally took poſſeſſion of the minds of the coloniſts.

Several

SEVERAL incidents about this time concurred to excite the ſuſpicions and jealouſies of the Americans. The repeal of the ſtamp-act was accompanied by the act commonly called the declaratory act, in which it was enacted, 'That the parliament of Great-Britain had a right to bind the colonies in all caſes whatſoever.' This claim of unlimited ſupremacy, and the reſervation of the duty on tea, were conſidered, on the weſt ſide of the Atlantic, as evidences that an American revenue was intended. Unwilling to contend with the mother-country about paper claims, and at the ſame time determined to pay no taxes but ſuch as were impoſed by their own legiſlatures, the colonies aſſociated to import no more tea, but relaxed in all their other reſolutions, and renewed their commercial intercourſe with Great-Britain.

THE tax on tea was in a great meaſure rendered a barren branch of revenue by the American reſolution of importing none, on which the parliamentary duty was charged. In the year 1773 a ſcheme was adopted by the Eaſt-India company to export large quantities of that commodity, to be ſold on their account, in the ſeveral capitals of the Britiſh colonies. This meaſure tended ſo directly to contravene the American reſolutions, that it excited great commotions from New-Hampſhire to Georgia. The coloniſts reaſoned with themſelves that, as the duty and the price of the commodity were inſeparably blended, if the tea was ſold, every purchaſer would

would pay a tax impoſed by the Britiſh parliament as part of the purchaſe-money. Jealous of the deſigns of the mother-country, and determined never to ſubmit to Britiſh taxation, they everywhere entered into combinations to obſtruct the ſales of the tea ſent out by the Eaſt-India company. The cargo ſent to South-Carolina was ſtored, the conſignees being reſtrained from expoſing it to ſale. In other provinces, the landing of it being forbidden, the captains were obliged to return without diſcharging their cargoes. In Boſton a few men in diſguiſe threw into the river 340 cheſts of it, which was the proportion exported to that province by the Eaſt-India company. This treſpaſs on private property provoked the Britiſh parliament to take legiſlative vengeance on that devoted town. [a] An act therefore was immediately paſſed, by which the port thereof was virtually blocked up, by being legally precluded from ſhipping or landing any goods, wares or merchandize. Other acts, directed by the ſame policy, ſpeedily followed. [b] One of theſe was intitled an act for the better regulating the government of Maſſachuſetts. The object of this was eſſentially to alter the charter of the province. By it the whole executive government was taken out of the hands of the people, and the nomination of all officers veſted in the King or his Governor. [c] Soon after followed an act in which it was provided, that if any perſon were indicted for murder,

[a] See note I. [b] See note II. [c] See note III.

urder, or for any other capital offence, committ-
d in aiding magiſtracy, that the governor might
nd the perſon ſo indicted to another colony, or
Great-Britain, to be tried. Theſe proceedings,
o leſs contrary to the Britiſh conſtitution than to
e chartered rights of the colonies, were an
arming comment on the aſſumed parliamentary
aim of unlimited ſupremacy. They were con-
dered, from one end of the continent to the
ther, as the beginning of a new ſyſtem of colo-
ial government, by which the provinces were to
e reduced to a much greater degree of depend-
nce on the mother-country than they had ever
xperienced. A general confederacy, to aid the
rovince of Maſſachuſetts in oppoſing the execu-
on of theſe unconſtitutional acts, very ſoon took
lace.

THE proceedings of parliament were no ſooner
nown in Boſton than the inhabitants were thrown
nto the greateſt conſternation. Sundry town-
eetings were called to deliberate on the alarming
ate of publick affairs. At one of them, viz. on
lay 13th, 1774, the following vote was paſſed:

'THAT it is the opinion of this town, that if
the other colonies come into a joint reſolution
to ſtop all importation from Great-Britain, and
exportation to Great-Britain and the Weſt-In-
dies, till the act for blocking up this harbour be
repealed, the ſame will prove the ſalvation of
North-America and her liberties. On the other
hand, if they continue their exports and im-

'ports, there is high reaſon to fear that fraud,
'power, and the moſt odious oppreſſion, will riſe
'triumphant over juſtice, right, ſocial happineſs
'and freedom. And moreover, that this vote be
'tranſmitted by the moderator to all our ſiſter
'colonies, in the name and behalf of this town.'

A COPY of their vote was immediately forwarded to the other provinces. Upon its arrival in South-Carolina, it was preſented to a number of the principal gentlemen in Charleſton. They were of opinion that the principles of policy and ſelf-preſervation made it neceſſary to ſupport the people of Boſton; but the mode pointed out was a matter of too much conſequence to be adopted without the univerſal conſent of the people. It was therefore determined to requeſt a meeting of the inhabitants. That this might be as general as poſſible, circular letters were ſent by expreſs to every pariſh and diſtrict within the province. In conſequence of this invitation, on July 6, 1774, a very great number from almoſt every part of South-Carolina met at Charleſton. The proceedings of the parliament againſt the town of Boſton and province of Maſſachuſetts were diſtinctly related to this convention of the people. On which, without one diſſenting voice, they came into the following reſolutions:

'RESOLVED, that his Majeſty's ſubjects in North-
'America owe the ſame allegiance to the crown
'of Great-Britain that is due from his ſubjects
'born in Great-Britain. 'RESOLVED,

'RESOLVED, that his Majeſty's ſubjects in North-America are entitled to all the inherent rights and liberties of his natural born ſubjects within the kingdom of Great-Britain.

'RESOLVED, that it is repugnant to the rights of the people, that any taxes ſhould be impoſed on them, unleſs with their own conſent given perſonally or by their repreſentatives.

'RESOLVED, that it is a fundamental right, which his Majeſty's liege ſubjects are entitled unto, that no man ſhould ſuffer in his perſon or property without a fair trial, and judgment given by his peers or by the law of the land.

'RESOLVED, that all trials of treaſon, or for any felony or crime whatever, committed and done in this his Majeſty's colony by any perſon or perſons reſiding therein, ought of right to be had and conducted in and before his Majeſty's courts held within the ſaid colony according to the fixed and known courſe of proceedings; and that the ſeizing any perſon or perſons reſiding in this colony, ſuſpected of any crime whatever committed therein, and ſending ſuch perſon or perſons to places beyond the ſea to be tried, is oppreſſive and illegal, and highly derogatory to the rights of Britiſh ſubjects, as thereby the ineſtimable privilege of being tried by a jury from the vicinage, as well as the benefit of ſummoning and procuring witneſſes on ſuch trial, will be taken away from the party accuſed.

'RESOLVED,

'RESOLVED, that the ſtatute made in the 35th
'year of Henry VIII, chap. 2. intitled, An act
'for the trial of treaſons committed out of the
'King's dominions, does not extend, and cannot
'but by an arbitrary and cruel conſtruction be
'conſtrued to extend, to treaſon, miſpriſion of
'treaſon, or concealment of treaſon, committed in
'any of his Majeſty's American colonies, where
'there is ſufficient proviſion, by the law of the
'land, for the impartial trial of all ſuch as are
'charged with, and for the due puniſhment of
'theſe offences.

'RESOLVED, that the late act for ſhutting up
'the port of Boſton, and the two bills relative
'to Boſton, which, by the laſt accounts from
'Great-Britain, had been brought into parliament,
'were there read and committed, are of the moſt
'alarming nature to all his Majeſty's ſubjects in
'America—are calculated to deprive many thou-
'ſand Americans of their rights, properties and
'privileges, in a moſt cruel, oppreſſive and uncon-
'ſtitutional manner—are moſt dangerous prece-
'dents; and, though levelled immediately at the
'people of Boſton, very manifeſtly and glaringly
'ſhew, if the inhabitants of that town are intimi-
'dated into a mean ſubmiſſion to ſaid acts, that the
'like are deſigned for all the colonies, when not
'even the ſhadow of liberty to his perſon, or ſe-
'curity to his property, will be left to any of his
'Majeſty's ſubjects reſiding on the American con-
'tinent.

'RESOLVED,

'RESOLVED, therefore, that not only the dictates of humanity, but the ſoundeſt principles of true policy and ſelf-preſervation, make it abſolutely neceſſary for the inhabitants of all the colonies in America to aſſiſt and ſupport the people of Boſton, by all lawful ways in their power, and eſpecially to leave no juſtifiable means untried to procure a repeal of thoſe acts immediately relative to them, and alſo all others affecting the conſtitutional rights and liberties of America in general. As the beſt means to effect this deſirable end,

'RESOLVED, that Henry Middleton, John Rutledge, Chriſtopher Gadſden, Thomas Lynch, and Edward Rutledge, Eſquires, be, and they are hereby appointed deputies, on the part and behalf of this colony, to meet the deputies of the ſeveral colonies in North-America in general Congreſs, on the firſt Monday in September next, in Philadelphia, or at any other time and place that may be generally agreed on there, to conſider the act lately paſſed, and bills depending in parliament, with regard to the port of Boſton and province of Maſſachuſetts; which act and bills, in the precedent and conſequence, affect the whole continent—alſo the grievances under which America labours, by reaſon of the ſeveral acts of parliament that impoſe taxes or duties for raiſing a revenue, and lay unneceſſary reſtrictions and burdens on trade; and of the ſtatutes, parliamentary acts, and royal inſtructions, which

'make

'make an invidious diſtinction between his M
'jeſty's ſubjects in Great-Britain and Americ
'with full power and authority, in behalf of
'and our conſtituents, to concert, agree to, a
'effectually to proſecute ſuch legal meaſures (
'which we for ourſelves and them moſt ſolem
'ly engage to abide) as in the opinion of the ſa
'deputies, and of the deputies ſo to be aſſembl
'ſhall be moſt likely to obtain a repeal of the ſa
'acts, and a redreſs of theſe grievances.

'RESOLVED, that while the oppreſſive acts re
'tive to Boſton are enforced, we will cheerfull
'from time to time, contribute towards the re
'of ſuch poor perſons there—whoſe unfortun
'circumſtances may be thought to ſtand in ne
'of moſt aſſiſtance.

'RESOLVED, that a committee of ninety-ni
'perſons be now appointed, to act as a gener
'committee, to correſpond with the committe
'of the other colonies, and to do all matters a
'things neceſſary to carry theſe reſolutions in
'execution; and that any twenty-one of the
'met together, may proceed on buſineſs, th
'power to continue till the next general meetin

THIS convention of the people, and theſe reſ
lutions, laid the foundation of all the ſubſequ
proceedings, which ultimately terminated in a r
volution. The deputies appointed on this occaſio
in a little time, ſailed for Philadelphia; and,
their arrival, were ſoon joined by others inveſte
wi

th ſimilar powers by the ſeveral provinces, and pointed for the ſame purpoſes.

In this manner, by the general conſent of the ople, and the univerſal alarm for their liberties, new repreſentative body, with powers to bind all e American provinces, was ſpeedily conſtituted. he continental Congreſs having, on the 26th of ctober 1774, finiſhed their deliberations, the uth-Carolina members returned home, and gave account of their proceedings. The moſt im- rtant of which were as follows: [d] A ſtate of Ame- can claims, particularly of their excluſive right tax themſelves, and to regulate their internal lity: [e] A petition to the King, ſtating their ievances, and praying a repeal of thirteen Acts parliament which impoſed taxes on them, interfered in their internal government; [f] and aſſociation to ſuſpend importations of Britiſh ods, and the exportation of American produce, l theſe grievances were redreſſed. [g] They alſo dreſſed the people of Great-Britain, [h] and the habitants of the colonies. With great energy language they juſtified their proceedings to th, and endeavoured to diſſuade the former om aiding any attempt on their liberties, and e latter from a tame relinquiſhment of them. o give efficacy to the meaſures adopted by the puties at Philadelphia, it was determined, by the

[d] See note IV. [e] See note V. [f] See note VI.
[g] See note VII. [h] See note VIII.

the general committee in Charleſton, to conve
a provincial Congreſs, by electing repreſentati
from every pariſh and diſtrict in South-Carolin
and to ſubmit the proceedings of the continen
Congreſs to their judgment. As the meaſur
about to be adopted depended entirely on the co
ſent of the people, a very large repreſentation w
thought adviſeable. The conſtitutional Aſſemb
conſiſted only of forty-nine, but this new repr
ſentative body conſiſted of more than two hu
dred. The members of the conſtitutional A
ſembly were univerſally members of the Congre
but with this difference, that in the latter ca
city they could neither be prorogued nor diſſolv
by the royal governor. This firſt provincial Co
greſs met on the 11th of January 1775, and too
under conſideration the proceedings of the conti
nental Congreſs at Philadelphia in the cloſe of th
preceding year. Without one diſſenting voi
they gave publick thanks to their late deputies t
the continental Congreſs, approved their pr
ceedings, and reſolved to carry them into ex
cution. Domeſtick manufactures were encou
raged. Donations were liberally made and fo
warded to the ſuffering inhabitants of Boſton, an
the greateſt zeal was diſcovered, by a large ma
jority of the people, to comply with the determi
nation of theſe new made repreſentative bodie
Leſt the ſelfiſhneſs of individuals might brea
through the publick reſolutions, committees of in
ſpection and obſervation were appointed, whos
buſineſs it was to ſee that they were univerſall
obeyed

beyed. Peter Timothy, Eſq. the chairman of ne of theſe committees, was indefatigable in the xecution of his duty, and, from time to time, ithfully reported to the general committee or rovincial Congreſs every tranſaction that was inonſiſtent with the meaſures adopted by the ountry.

THE firſt of February 1775 was the day fixed y the continental Congreſs, after which no Briſh goods ſhould be imported. Notwithſtanding e ſolemnity with which the reſolutions had been dopted, ſeveral veſſels loaded with Britiſh goods rrived in the harbour after that period. It was oubtleſs preſumed by many that an aſſociation, contrary to the immediate intereſt and convelience of ſuch great numbers, would be either iolated or evaded. But, to their great ſurprize, ey found the reſolutions ſo well obſerved, that ſingle article could not be landed, and that they uſt either throw overboard or ſend back their argoes. A veſſel arrived in March 1775 with few articles of houſehold furniture, and two orſes, not deſigned for ſale. A vote of the geeral committee, by a ſmall majority, determined at the landing of theſe articles, not being inended for trade, was not contrary to the contiental aſſociation. The people, if poſſible, more ealous than their leaders, reſpectfully petitioned e general committee to reconſider their vote on is ſubject. Two hundred and fifty-ſix citizens aving concurred in this application, it was re-

conſidered—the former vote reſcinded, and th horſes and houſhold furniture ſent back to Grea Britain.

In this manner, while the form of the ol government ſubſiſted, a new and independent au thority was virtually eſtabliſhed. It was ſo uni verſally the ſenſe of the people, that the public good required a compliance with the reſolution of Congreſs; that any man, who diſcovered a anxiety about the continuance of trade and bu ſineſs, was conſidered as a ſelfiſh individual, pre ferring private intereſt to the good of his country Under the influence of theſe principles, the in temperate zeal of the populace tranſported them frequently ſo far beyond the limits of moderation as to apply ſingular puniſhments to particular per ſons who contravened the general ſenſe of the community.

This was the third time that a ſcheme of non-importation had been adopted. From its ſucceſs on two former occaſions, and an apprehenſion that the trade of America was neceſſary to the inha bitants of Great-Britain, it was generally hoped the obnoxious acts would ſoon be repealed. The non-exportation of produce was not to take place till the 10th of September following, and was only adopted as a proviſional expedient in caſe the other ſhould fail. An appeal to arms, inde pendence, and an alliance with France, were events at this period neither intended nor ex pected

ected. A bloodleſs ſelf-denying oppoſition was
l that South-Carolina deſigned, and was all the
crifice, which, as ſhe ſuppoſed, would be re-
uired at her hands. The ſubſequent events
oved that much more was to be done, and
uch heavier ſufferings to be undergone, before
e prize, for which ſhe contended, could be
btained.

CHAPTER

CHAPTER SECOND.

Of the taking of arms.

DURING the firſt three months of the year 1775, hopes were entertained that Great-Britain would follow the ſame line of policy which before had led her to repeal the ſtamp-act. The ſanguine friends of America preſumed, that a rigid adherence to their reſolutions of non-importation and non-exportation would induce the mother country to recede from her demands. Warm with theſe expectations, they looked for the firſt veſſels from Great-Britain, after the winter ſeſſion of parliament, with an ardour not known before. On the 19th of April 1775, a packet from London reached Charleſton; but with intelligence ſubverſive of the pleaſing hopes of a ſpeedy accommodation. On that ſame day hoſtilities were commenced at Lexington, in the Maſſachuſetts, by a detachment from the royal army at Boſton againſt the inhabitants of that province. Within a few days after a particular account of that bloody ſcene was brought to the general committee in Charleſton. No event during the war ſeemed ſo univerſally to intereſt the minds of the people. All were ſtruck with the new face of things, and now viewed the conteſt in a much more ſerious light. From every appearance Great-Britain, inſtead of redreſſing American grievances, was determined to dragoon the coloniſts into ſubmiſſion. The ſpirit

pirit of freedom, beating high in every breaſt, ould not brook the idea; while reaſon, more mperate in her deciſions, ſuggeſted to the people heir inſufficiency to make effectual oppoſition. hey were fully apprized of the power of Britain —They knew that her fleets covered the ocean, nd that her flag had waved in triumph through he four quarters of the globe—They knew that hey were expoſed on their weſtern frontiers to he irruptions of ſavage tribes, whoſe common ule of warfare is promiſcuous carnage—and they ere not ignorant that their ſlaves might be worked pon, by the inſidious offer of freedom, to ſlay heir maſters in the peaceful hour of domeſtick ſe- urity. The province, through its whole extent on he ſea coaſt, which is nearly two hundred miles, was ccеſſible to the fleets and armies of Great-Britain. or defence, it poſſeſſed but a few fortifications, oo inconſiderable for particular notice, and even heſe were held by the officers of the King. The oyal governor was commander in chief of the ilitia; and all the officers, being of his appoint- ent, held their commiſſions during his pleaſure. he inhabitants were quite defenceleſs—without rms—without ammunition—without clothing— ithout ſhips—without money—without officers killed in the art of war. The ſtores of the mer- hants afforded no ſupplies, as the importation of rms had been reſtrained by the reſolutions of ongreſs. That Great-Britain would commence oſtilities, was not imagined—that America ſhould ave recourſe to arms, was not originally in-

tended;

tended; of courſe no exception was made to the general ſcheme of non-importation. Twelve hundred ſtand of muſquets were in the royal magazine, but they could not be obtained without the commiſſion of an overt act of treaſon. However, this alarming criſis of publick affairs ſtripped treaſon of its wonted terrors—All ſtatutes of allegiance were conſidered as repealed on the plains of Lexington, and the laws of ſelf-preſervation left to operate in full force—Accordingly, on the night after intelligence of actual hoſtilities was received, a number of the principal gentlemen in Charleſton concerted a plan to take poſſeſſion of the arms and accoutrements in the royal arſenal, which they inſtantly carried into execution. They removed them that night from the arſenal, and afterwards diſtributed them among the men enliſted in the publick ſervice. Lieutenant governor Bull immediately offered a reward of one hundred pounds ſterling to any perſon who ſhould diſcover the perſons concerned in this buſineſs; but ſuch as had the power had not the inclination, while the few who had the inclination were afraid to incur the riſk of informing.

HITHERTO the oppoſition to Great-Britain had been entirely conducted on commercial principles; but ſhe, diſregarding the loſſes conſequent on the ſuſpenſion of her American trade, and turning a deaf ear to the petitions and remonſtrances of the coloniſts, had ſeriouſly reſolved to enforce their obedience. The Americans, therefore, now found themſelves

themſelves with no alternative left, but a mean ſubmiſſion, or a manly and virtuous reſiſtance. Though the coloniſts to the ſouthward of Boſton were not immediate ſufferers, yet they were ſenſible that a foundation was laid for every ſpecies of future oppreſſion. The news-papers and other publications, through all the colonies, were filled with arguments and declamations to the following effect: 'If a Britiſh parliament, in which we are 'unrepreſented, has a right to ſhut up our ports, 'to tax us at pleaſure, to aboliſh our charters, and 'to bind us in all caſes whatſoever, we are tenants 'at will, depending on the good humour of our 'fellow-ſubjects for all our poſſeſſions.'

In this new ſtate of matters, the provincial Congreſs was immediately ſummoned by the general committee, to meet in twenty-three days at Charleſton. The reaſons ſtated for this unexpected call were aſſigned by themſelves in the following words:

'I. Because the Britiſh troops, in the pro-'vince of Maſſachuſetts, did, on the 19th of April 'laſt, commence a civil war in America, with force 'of arms, ſeizing and deſtroying the property of the 'people of that colony, and making hoſtile aſſaults 'on their perſons, whereby many of them fell in 'battle in defence of the property and liberty of 'America. A conduct in the Britiſh troops a-'mounting in effect to a direct and hoſtile attack 'upon

'upon the whole people of this continent, threat-
'ening them with all the calamities of ſlavery.

'II. BECAUSE this colony cannot diſcharge her
'duty in defence of American freedom, unleſs
'we are put into a ſtate of ſecurity againſt any
'immediate attack by the Britiſh arms. This
'colony being in a manner ſo totally defenceleſs,
'that if only a ſmall Britiſh military force ſhould
'arrive, while things are in ſo deplorable a ſitua-
'tion, they might eaſily take poſt in Charleſton,
'where the continuance of the provincial Con-
'greſs, and general committee, would thereby
'become not only dangerous, but impracticable;
'and there not being any body of men to enforce
'the execution of the American aſſociation, there
'is every probability that, in ſuch a ſituation of
'affairs, it would be immediately violated. A
'circumſtance that might be of the moſt fatal
'conſequence to America.

'III. BECAUSE there are juſt grounds to ap-
'prehend an inſurrection of the ſlaves, and hoſtili-
'ties from the Indians, inſtigated by the tools of
'a wicked adminiſtration.

'IV. BECAUSE the formidable military and na-
'val forces, lately ſent from Great-Britain to re-
'inforce the army in Boſton, manifeſt the ac-
'curſed deſign of the Britiſh miniſtry to endea-
'vour to quell the American troubles by the law
'of arms, and not to quiet them by the laws of
'reaſon

'reaſon and juſtice. Hence, deſpairing of a re-
'dreſs of grievances by dutiful and peaceable
'applications, long unavailingly preſented to his
'Britannic Majeſty, we ſee no alternative but that
'we ſubmit to abject ſlavery, or appeal to the
'Lord of Hoſts in defence of the common and
'unalienable rights peculiar to Engliſhmen.'

So great was the zeal of the inhabitants, and ſo general the alarm throughout the province, that one hundred and ſeventy-two members of the provincial Congreſs met on the day appointed, the firſt of June 1775, and proceeded with ſuch aſſiduity, that they finiſhed a great deal of important buſineſs in a ſhort ſeſſion of twenty-two days. Great were the objects which came before this aſſembly. Hitherto the only ſacrifices demanded at the ſhrine of liberty, were a ſuſpenſion of trade and buſineſs; but now the important queſtion was agitated, whether it was better to 'live ſlaves 'or die freemen.'

On the ſecond day of their meeting it was unanimouſly reſolved, that an aſſociation was neceſſary. The following one was drawn up and ſigned by their preſident Henry Laurens, eſq. and all the members preſent, and afterwards very generally by the inhabitants.

'SOUTH-CAROLINA.

'The actual commencement of hoſtilities 'againſt this continent by the Britiſh troops, in

'the bloody ſcene on the 19th of April laſt, near 'Boſton—the increaſe of arbitrary impoſitions 'from a wicked and deſpotick miniſtry—and the 'dread of inſurrections in the colonies—are 'cauſes ſufficient to drive an oppreſſed people to 'the uſe of arms. We, therefore, the ſubſcri- 'bers, inhabitants of South-Carolina, holding 'ourſelves bound by that moſt ſacred of all obli- 'gations—the duty of good citizens towards an 'injured country, and thoroughly convinced that, 'under our preſent diſtreſſed circumſtances, we 'ſhall be juſtified before God and man in reſiſt- 'ing force by force—do unite ourſelves under 'every tie of religion and honour, and aſſociate 'as a band in her defence againſt every foe— 'hereby ſolemnly engaging that, whenever our 'continental or provincial councils ſhall decree it 'neceſſary, we will go forth, and be ready to ſa- 'crifice our lives and fortunes to ſecure her free- 'dom and ſafety. This obligation to continue in 'full force until a reconciliation ſhall take place 'between Great-Britain and America, upon con- 'ſtitutional principles—an event which we moſt 'ardently deſire. And we will hold all thoſe per- 'ſons inimical to the liberty of the colonies who 'ſhall refuſe to ſubſcribe this aſſociation.'

WITHIN three days after, it was reſolved to raiſe two regiments of foot, and a regiment of rangers, and to put the town and province in a reſpectable poſture of defence. Theſe reſolutions were deliberately agreed to, after counting the coſt. Eſti-

mates

mates of expences were laid before the provincial Congreſs, by which it appeared that the meaſures adopted would coſt the province, the firſt year, one hundred and forty thouſand pounds ſterling. The language of the times was, 'we will freely give 'up half, or even the whole of our eſtates for 'the ſecurity of our liberties.' To defray theſe expences bills of credit were ſtruck, which, without being a tender in law, and though funded on nothing but the conſent and enthuſiaſm of the people, retained their credit undiminiſhed for eighteen months, and anſwered every purpoſe of a circulating medium.

So great was the military ardour among the gentlemen of the province, that the candidates for commiſſions in the propoſed regiments were four times as numerous as could be employed, and in their number were many of the firſt families and fortune. They who were appointed by their country, for the command of its regular forces, obtained rank by the vote of the provincial Congreſs, in the following order:

Chriſtopher Gadſden, col.
Iſaac Huger, lieut. col.
Owen Roberts, major,
} of the firſt regiment of foot.

William Moultrie, col.
Iſaac Motte, lieut. col.
Alexander M'Intoſh, major,
} of the ſecond regiment of foot.

William

William Thomſon, lieut. col. } of the regiment
James Mayſon, major, } of rangers.

1	Cha. Coteſworth Pinckney,	Captains in the 1ſt and 2d regiments of foot.
2	Bernard Elliot,	
3	Francis Marion,	
4	William Cattell,	
5	Peter Horry,	
6	Daniel Horry,	
7	Adam M'Donald,	
8	Thomas Lynch, junior,	
9	William Scott,	
10	John Barnwell,	
11	Nicholas Eveleigh,	
12	James M'Donald,	
13	Iſaac Harleſton,	
14	Thomas Pinckney,	
15	Francis Huger,	
16	William Maſon,	
17	Edmund Hyrne,	
18	Roger-P. Sanders,	
19	Benjamin Cattell,	
20	Charles Motte,	

1	Samuel Wiſe,	Captains in the regiment of rangers.
2	Ezekiel Polk,	
3	John Caldwell,	
4	Eli Kerſhaw,	
5	Robert Goodwyn,	
6	Moſes Kirkland,	
7	Edward Richardſon,	
8	Thomas Woodward,	
9	John Purves,	

1 Anthony Aſhby,
2 James Ladſon,
3 John Vanderhorſt,
4 John Mouatt,
5 Thomas Elliott,
6 William Oliphant,
7 Glen Drayton,
8 Joſeph Joor,
9 Robert Armſtrong,
10 John Blake,
11 Alexander M'Queen,
12 James Peronneau,
13 Richard Shubrick,
14 Richard Fuller,
15 Richard Singelton,
16 John-Allen Walter,
17 Benjamin Dickinſon,
18 William Charnock,
19 Thomas Leſeſne,
20 Thomas Moultrie,

} Firſt lieutenants in the 1ſt and 2d regiments of foot.

1 John-Lewis-Peyer Imhoff,
2 Charles Heatley,
3 Allen Cameron,
4 Richard Winn,
5 John Donaldſon,
6 Hugh Middleton,
7 Lewis Dutarque,
8 Francis Boyakin,
9 Samuel Watſon,

} Firſt lieutenants of the regiment of rangers.

In

In this manner, in a few weeks after the Lexington battle, the popular leaders became poſſeſſed of an army and treaſury at their command. The militia officers alſo having reſigned their commiſſions under the royal governor, were, by their own conſent, ſubjected to the orders of the provincial Congreſs. The following gentlemen were choſen a council of ſafety: col. Henry Laurens, col. Charles Pinckney, the hon. Rawlins Lowndes, Thomas Ferguſon, Miles Brewton, Arthur Middleton, Thomas Heyward, junior, Thomas Bee, and John Huger, eſqrs. col. James Parſons, hon. William-Henry Drayton, Benjamin Elliott, and William Williamſon, eſquires. To this council the provincial Congreſs delegated authority to certify commiſſions, to ſuſpend officers, and to order courts-martial for their trial; to have the direction, regulation, maintenance and ordering of the army, and of all military eſtabliſhments and arrangements, and to draw on the treaſury for the demands of the publick ſervice.

During the ſitting of this Congreſs, which had in ſo many inſtances invaded the royal prerogative, lord William Campbell, governor of the province, arrived, and was received with all the demonſtrations of joy uſual on ſimilar occaſions. The provincial Congreſs waited on him with the following addreſs:

'May it pleaſe your excellency,

'We, his Majeſty's loyal ſubjects, the repre-

'ſentatives

'ſentatives of the people of this colony, in Con-
'greſs aſſembled, beg leave to diſcloſe to your ex-
'cellency the true cauſes of our preſent proceed-
'ings, not only that upon your arrival among us
'you may receive no unfavourable impreſſion of
'our conduct, but that we may ſtand juſtified
'to the world.

'WHEN the ordinary modes of application for re-
'dreſs of grievances, and the uſual means of defence
'againſt arbitrary impoſitions, have failed, man-
'kind generally have had recourſe to thoſe that are
'extraordinary: hence the origin of the continen-
'tal Congreſs; and hence the preſent repreſenta-
'tion of the people in this colony. It is unneceſ-
'ſary to enumerate the grievances of America:
'they have been ſo often repreſented, that your
'excellency cannot be a ſtranger to them. Let
'it therefore ſuffice to ſay, that the hands of his
'Majeſty's miniſters, having long lain heavy, now
'preſs us with intolerable weight. We declare that
'no love of innovation, no deſire of altering the
'conſtitution of government, no luſt of indepen-
'dence, has had the leaſt influence upon our coun-
'ſels; but, alarmed and rouſed by a long ſucceſ-
'ſion of arbitrary proceedings by wicked admini-
'ſtrations, impreſſed with the greateſt apprehen-
'ſion of inſtigated inſurrections, and deeply affect-
'ed by the commencement of hoſtilities by the
'Britiſh troops againſt this continent, ſolely for
'the preſervation and in defence of our lives, li-
'berties and properties, we have been impelled
'to aſſociate, and to take up arms. 'WE

'We ſincerely deplore thoſe ſlanderous infor-
'mations, and wicked counſels, by which his Ma-
'jeſty has been led into meaſures, which, if per-
'ſiſted in, muſt inevitably involve America in all
'the calamities of civil war, and rend the Britiſh
'empire. We only deſire the ſecure enjoyment
'of our invaluable rights, and we wiſh for nothing
'more ardently than a ſpeedy reconciliation with
'our mother-country, upon conſtitutional prin-
'ciples.

'Conscious of the juſtice of our cauſe, and
'the integrity of our views, we readily profeſs our
'loyal attachment to our Sovereign, his crown and
'dignity; and, truſting the event to Providence,
'we prefer death to ſlavery.

'These things we have thought it our duty to
'declare, that your excellency, and, through you,
'our auguſt Sovereign, our fellow-ſubjects, and
'the whole world, may clearly underſtand that
'our taking up arms is the reſult of dire neceſ-
'ſity, and in compliance with the firſt law of
'nature.

'We intreat and truſt, that your excellency
'will make ſuch a repreſentation of the ſtate of
'this colony, and of our true motives, as to aſſure
'his Majeſty that, in the midſt of all our compli-
'cated diſtreſſes, he has no ſubjects in his wide
'extended dominions, who more ſincerely deſire
'to teſtify their loyalty and affection, or who
'would

'would be more willing to devote their lives and 'fortunes in his real ſervice.'

To this addreſs, preſented on the 21ſt of June 1775, in behalf of the Congreſs, by a large deputation of their number, his excellency lord William Campbell made the following anſwer:

'GENTLEMEN,

'I KNOW of no repreſentatives of the people of 'this province, except thoſe conſtitutionally con-'vened in the general aſſembly; and am incompe-'tent to judge of the diſputes which at preſent un-'happily ſubſiſt between Great-Britain and the 'American colonies.

'IT is impoſſible, during the ſhort interval ſince 'my arrival, that I ſhould have acquired ſuch a 'knowledge of the ſtate of the province, as to be 'at preſent able to make any repreſentation there-'upon to his Majeſty; but, you may be aſſured, 'no repreſentation ſhall ever be made by me, but 'what ſhall be ſtrictly conſiſtent with truth, and 'with an earneſt endeavour to promote the real 'happineſs and proſperity of the province.'

OPPOSITION having been carried much further by this Congreſs than was originally intended at the time of their election, they reſolved to give the people a freſh opportunity to expreſs their unbiaſſed judgment on the ſtate of publick affairs. They therefore determined, that their own exiſt-

ence as a body ſhould expire in about ſix weeks, viz. on the ſixth of Auguſt next following; and that a new election ſhould be held on the two ſucceeding days for a new provincial Congreſs. On the 22d of June 1775 they adjourned, having firſt delegated a great part of their authority to the council of ſafety and the general committee, the former of which was in the nature of an executive, and the latter of a legiſlative authority. It was particularly recommended to the general committee, to take effectual methods to have the aſſociation ſigned throughout the province, and to demand from the non-ſubſcribers the reaſons of their refuſal. Excepting in that part of the country included between the Broad and Saluda rivers the non-ſubſcribers were comparatively few. In Charleſton, where the general committee ſat, their number amounted to about forty. The greateſt part of theſe were officers living on ſalaries paid by his Britannick majeſty. They and others in the ſame predicament were adverti ſed as inimical to the liberties of America, and all intercourſe between them and the Aſſociators was interdicted. An oath of neutrality was required of all, to which ſome agreed. Thoſe who refuſed were diſarmed, and a few, who would not enter into any engagements for the publick ſecurity, were confined to their houſes and plantations.

THE people having concurred with the views of Congreſs in a military oppoſition, various plans were ſuggeſted for the defence of the province.

Some

Some thought it neceſſary to obſtruct the bar, by ſinking veſſels ſo as to exclude the approach of ſhips of war. Others propoſed abandoning the town, and making their ſtand in the country. Many meaſurements were made, and much expence incurred, to accompliſh the firſt, but it was at laſt abandoned as impracticable. Nevertheleſs a ſpirited reſolution was adopted to defend the town to the laſt extremity.

At the time all theſe military preparations were making, the whole quantity of powder in the province did not exceed three thouſand pounds. The people not originally deſigning a military oppoſition, no care was taken to provide ſtores ; but now, reduced to the alternative of fighting or ſubmitting, extraordinary methods were taken to obtain a ſupply. The inhabitants of Eaſt-Florida having never joined in meaſures of oppoſition to Great-Britain, the ports of that province were open for the purpoſes of trade.

Twelve perſons, in which number were captains Tempirere, Cochran, Hatter, Tufts, Joyner; Meſſrs. Tebant, Williamſon and Jenkins, authorized by the council of ſafety, ſailed from Charleſton for that coaſt; and, by ſurprize, boarded a veſſel near the bar of St. Auguſtine, though twelve Britiſh grenadiers, of the 14th regiment, were on board. They took out fifteen thouſand pounds of powder, for which they gave a bill of exchange to the captain, and having ſecured a ſafe retreat to themſelves,

themſelves, by ſpiking the guns of the powder veſſel, they ſet ſail for Carolina. Apprehending that they ſhould be purſued, they ſteered for Beaufort. From that place they came by the inland navigation, and delivered their prize to the council of ſafety, whilſt their purſuers were looking for them at the bar of Charleſton. This ſeaſonable ſupply enabled the people of South-Carolina to oblige their ſuffering brethren in Maſſachuſetts, who, though immediately expoſed to the Britiſh army, were in a great meaſure deſtitute of that neceſſary article of defence. Part of this powder, which was taken near the bar at St. Auguſtine, was alſo furniſhed to the troops who went in the year 1775 on the expedition into Canada. Though the popular leaders had determined on a military oppoſition, yet Fort Johnſon on James-Iſland, which commanded the harbour of Charleſton, continued in poſſeſſion of the King's ſervants for more than three months after theſe reſolutions were adopted. The Tamar ſloop of war, and Cherokee armed veſſel of eighteen guns, lay in rebellion road oppoſite to Sullivan's iſland. This force was at that time fully ſufficient to have deſtroyed the town; but the royal officers, either from an apprehenſion that indiſcriminate violence could not be juſtified, or from a contempt of the popular party, attempted nothing vigorous or deciſive.

About the middle of September 1775, the general committee became poſſeſſed of intelligence from

from lord William Campbell 'That the King of 'Great-Britain was reſolved to carry his ſcheme 'into execution from one end of the continent to 'the other, and that troops would ſoon be ſent 'out to all the colonies.' On the next evening it was reſolved, 'That proper meaſures ought to 'be immediately taken, to prevent Fort Johnſon 'being made uſe of to the prejudice of the colo-'ny.' This reſolution being communicated to the council of ſafety, they iſſued the neceſſary orders for ſecuring that important poſt. Colonel Motte, with a party of the new raiſed provincials, was appointed to execute this firſt military enterprize, under the authority of the council of ſafety. On the night on which he embarked, before he landed on the iſland, the fort was diſmantled, the guns diſmounted, and the people belonging to it retired on board the Cherokee and Tamar veſſels of war. On the following night captain Heyward, with thirty-five of the Charleſton artillery, landed at the fort; and notwithſtanding an inceſſant rain, they had three guns ready for action before the dawning of day. The officers of the men of war, then in the harbour, diſcovered a ſtrong inclination to fire upon the fort; but, for very prudent reaſons, deſiſted from the attempt.

THE popular leaders iſſued orders, forbidding the King's victuallers to ſupply the men of war with proviſions and water, otherwiſe than from day to day. After ſundry letters and meſſages had paſſed on this ſubject, captain Thornborough,

of

of the ſloop Tamar, gave publick notice, 'That 'if his Majeſty's agents in Charleſton were not 'permitted regularly, and without moleſtation, to 'ſupply the King's ſhips Tamar and Cherokee 'with ſuch proviſions as he thought neceſſary to 'demand, he would not from that day, ſo far as it 'was in his power, ſuffer any veſſel to enter the 'harbour of Charleſton or depart from it.' Much was expected from this well-timed threat. The royal ſervants had flattered themſelves that the oppoſition was entirely owing to a few ambitious demagogues in Charleſton.

THE new provincial Congreſs met, agreeably to their original appointment, on the 1ſt of November 1775. On that day capt. Thornborough ſent this menacing letter to the chairman of the general committee. This Congreſs had been choſen ſubſequent to the late reſolution for raiſing troops, and reſiſting Great-Britain. The royal ſervants preſumed that the people at large would not juſtify theſe invaſions of their maſter's prerogative; and, as they had lately had an opportunity given by a general and free election to expreſs their real opinions on the ſtate of the province, that the new Congreſs would reverſe the determinations of the former. They were encouraged in theſe ill-founded hopes by a petition of three hundred and ſixty-eight inhabitants of Charleſton, who had requeſted the council of ſafety to deſiſt, till the meeting of the new Congreſs, from the execution of a plan which was patronized by a

number

number of leading men, for driving the king's ſhips out of the harbour, and for obſtructing the bar. To the great ſurpriſe of the king's officers, the new provincial Congreſs, inſtead of receding from the reſolution of the former, took methods to ward off the injuries that might ariſe from the execution of the menaces of capt. Thornborough. They ſent out two armed pilot boats with orders to cruiſe near the bar, and to caution all veſſels deſtined for Charleſton to ſteer for ſome other port.

THE late Congreſs in June had agreed to arm the colony; but many ſtill ſhuddered at the idea of hoſtile operations againſt their former friends and fellow-ſubjects. It was at length, after much debating, reſolved by the new Congreſs, on the 9th of November 1775, to direct the American officer commanding at Fort Johnſon, 'by every 'military operation, to endeavour to oppoſe the 'paſſage of any Britiſh naval armament that might 'attempt to paſs.' Though the fort had been in the poſſeſſion of the council of ſafety for near two months, yet a variety of motives reſtrained them from iſſuing orders to fire on the King's ſhips. When this reſolution was adopted, they communicated it by the following letter, addreſſed to capt. Thornborough, commander of the Tamar ſloop of war.

'BY

'BY ORDER OF CONGRESS.

'Charleſton, Nov. 9, 1775.

'SIR,

'THE late cruel cannonade of Briſtol, by the 'Britiſh ſhips of war, to enforce an arbitrary de- 'mand of ſheep; the general depredations on the 'American coaſt by miniſterial authority; late 'advices from England of large military arma- 'ments by land and ſea, for the hoſtile invaſion of 'the colonies upon this continent; and the pro- 'clamation of the 23d of Auguſt laſt, at the court 'of St. James, by which the good people of Ame- 'rica are unjuſtly deſcribed as in avowed rebellion, 'ſuperadded to the former American grievances 'and to your late unjuſtly ſeizing the perſons, vef- 'ſels and property of the inhabitants of this coun- 'try, together with lord Wm. Campbell's threats 'of hoſtility againſt us; have ſunk deep in the 'minds of the people; who, ſeeing themſelves, by 'the royal act, in effect put out of the regal pro- 'tection, are at length driven to the diſagreeable 'neceſſity of ordering a military oppoſition to the 'arms of the Britiſh miniſtry: but the people of 'South-Carolina, remembering that thoſe who 'point the Britiſh arms at their breaſts, and againſt 'their invaluable liberties, are their dear country- 'men, and once were their friends; unwilling, 'yet determined, to oppoſe any approach of threat- 'ening danger to their ſafety; have directed me to 'intimate to you, Sir, as commander in chief of the 'Britiſh armament on this ſtation, that orders are 'iſſued to the commanding officer at Fort Johnſon,

'by

'by every military operation, to endeavour to 'prevent any miniſterial armament from paſſing 'that poſt.

'We thus think it proper to warn you of an 'approach that muſt be productive of the ſhedding 'of blood, which, in other circumſtances, we 'would endeavour to prevent.

'William-Henry Drayton, Preſident.'

An open paſſage to the town, without approaching Fort Johnſon, was ſtill practicable for the ſmall royal armed veſſels Tamar and Cherokee. It was therefore at the ſame time reſolved, to obſtruct the paſſage through Hog-Iſland channel. Captain Tufts was ordered to cover and protect the ſinking of a number of hulks in that narrow ſtrait. While he was engaged in this buſineſs on board a coaſting ſchooner, which was armed for the ſecurity of the town, and called the Defence, the Tamar and Cherokee warped in the night of Nov. 12, 1775, within gun ſhot of him, and began a heavy cannonade. The inhabitants were alarmed, expecting that the town, in its defenceleſs ſtate, would be fired upon; but about ſunriſe both veſſels dropped down to their moorings in rebellion-road, without having done any material injury either to the ſchooner or to any of her crew. The ſchooner Defence returned a few ſhot, but they were equally ineffectual. This was the commencement of open hoſtilities in South-Carolina.

On the evening of the ſame day on which this attack was made, the provincial Congreſs impreſſed, for the publick ſervice, the ſhip Proſper, and appointed a committee to fit and arm her as a frigate of war. On the day following they voted that a regiment of artillery ſhould be raiſed, to conſiſt of three companies with one hundred men in each. Owen Roberts was appointed lieutenant colonel; Bernard Elliott, major; Bernard Beekman, Charles Drayton and Sims White, captains of this body. Bills of credit, to the amount of ſeventeen thouſand pounds ſterling, were ſtruck for their ſupport. A vote was taken about the ſame time for a new council of ſafety. Ten of the former thirteen were re-elected, and the hon. Henry Middleton, David Oliphant and Thomas Savage, eſqrs. added in the room of three others. Their powers were enlarged ſo far as to authorize them, 'to do all ſuch 'matters and things relative to the ſtrengthening, 'ſecuring and defending the colony as ſhould by 'them be judged expedient and neceſſary.'

Agreeably to the menaces of captain Thornborough, the King's ſhips in the road ſeized all the veſſels within their reach, which were either coming to Charleſton or going from it. Theſe ſeizures commenced ſeveral weeks prior to the act of parliament for confiſcating American property. While the royal veſſels lay near Sullivan's-Iſland, negroes had been encouraged to deſert from their maſters, and were there harboured under royal protection. Captain Coachman, at the head of a party

party of riflemen, landed on the iſland, burnt the peſthouſe, and broke up that aſylum of fugitive ſlaves. By order of the council of ſafety, whoſe whole plan was defence, he was reſtrained from firing on the King's ſervants, though his marksmen had ſome of them fully in their power.

After theſe unauthorized ſeizures of private property had been continued about ſix weeks, the council of ſafety took meaſures to drive the royal armed veſſels out of the road of Charleſton. To effect this col. Moultrie, with a party of new-raiſed provincials, and Charleſton-artillery, took poſſeſſion of Haddrell's point, and mounted a few pieces of heavy artillery on ſome ſlight works. A few well directed ſhot from this poſt induced the commanders of the Cherokee and Tamar to put out to ſea. The harbour and road being clear, the council of ſafety proceeded in their plans of defence. They completed the fortifications at Haddrell's point, and at Fort Johnſon—continued a chain of fortifications in front of the town, both to the eaſtward and ſouthward—and erected a new fort on James-Iſland to the weſtward of Fort Johnſon, and a very ſtrong one on Sullivan's-Iſland. The militia were diligently trained—the provincial troops were augmented and diſciplined with care, and every poſſible preparation made to defend the colony.

In addition to the four regiments ordered to be raiſed in the Year 1775, two regiments of riflemen

men were voted in February 1776, in which the following appointments were made.

Iſaac Huger, col. Alexander M'Intoſh, lieut. col. Benjamin Huger, major,	of the 1ſt rifle regiment.
Thomas Sumpter, lieut. col. commandant, William Henderſon, major,	of the 2d regiment of riflemen.
Hezekiah Maham, Benjamin Tutt, George Cogdell, William Richardſon, Richard Richardſon, jun. William Henderſon, John Bowie,	Captains of the 1ſt regiment of riflemen.
Samuel Taylor, James Duff, George Wade, Richard Richardſon, jun. William Brown,	Captains of the 2d regiment of riflemen.

NOTWITHSTANDING oppoſition had aſſumed a bolder face, yet the original plan of diſtreſſing the Britiſh trade and Weſt-India iſlands continued to be obſerved: though the hopes entertained of a redreſs of American grievances, from the juſtice, generoſity and policy of the Britiſh nation, were every day leſs ſanguine; yet they were far from being

being entirely abandoned. It was presumed in America that their military preparations would add weight to their commercial opposition, and operate more forcibly to induce the government of Great-Britain to redress their grievances. In the mother-country it was taken for granted, that resolute exertions on her part, to enforce the submission of America, would effectually intimidate the colonies from persevering in opposition. But on experiment it was found that vigorous measures, instead of inducing either party to recede, encouraged both to persevere.

In the midst of their military preparations, the people of America adhered steadfastly to their original plan of non-importation and non-exportation. Had independence been their first object, these restrictions would never have been adopted; had it been intended even when they first took up arms, they would have rescinded their resolutions, and imported more largely than ever. Common sense revolts at the idea of a large body of people, unable to supply their own wants, intending a serious war to emancipate their country from dependence on the parent-state, and at the same time, by a voluntary agreement, depriving themselves of all the means necessary to procure foreign supplies. The people of South-Carolina not only observed the continental resolutions within their own limits, but co-operated with the friends of freedom in Georgia, to prevent an infringement of them in that colony.

THE party for royal government was ſo ſtrong in that infant colony, that they formed a bold attempt to contravene the publick reſolutions. They loaded eleven veſſels early in 1776 with a view to trade contrary to the orders of Congreſs. To favour this deſign, four royal armed veſſels took their ſtation at Coxpur. One hundred and fifty volunteers from Charleſton, and three hundred and fifty from the ſouthern parts of South-Carolina, commanded by col. Bull, marched to Georgia to prevent the ſailing of theſe veſſels. They unrigged ſix of them. Three were burnt by the Britiſh—of the whole only two got off ſafe.

CHAPTER

CHAPTER THIRD.

Of the extinction of royal authority, and of the royaliſts.

THE legal repreſentatives met twice in the conſtitutional aſſembly after the general meeting of the inhabitants on July 6, 1774. In their firſt ſeſſion after that event, it was privately determined to give the ſanction of their branch of the legiſlature to the reſolutions adopted by the inhabitants at their late convention, though they were well aware that any vote for that purpoſe would induce the royal governor to exert his prerogative for their diſſolution. After finiſhing the neceſſary publick buſineſs, the ſpeaker of the houſe ſummoned a meeting of the members at a very early hour. The following motion, previouſly prepared, was read and agreed to without any debate.

'SOUTH-CAROLINA.

'In the commons houſe of aſſembly, Auguſt 2, '1774: Colonel Powell acquainted the houſe, that, 'during the receſs of this houſe, viz. on the 6th, '7th, and 8th days of July laſt, at a general 'meeting of the inhabitants of this colony, they, 'having under conſideration the acts of parlia-'ment lately paſſed with regard to the port of 'Boſton and colony of Maſſachuſetts, appointed 'the honourable Henry Middleton, John Rut-'ledge, Thomas Lynch, Chriſtopher Gadſden

'and

'and Edward Rutledge, eſquires, deputies on the 'part and in behalf of this colony to meet the 'deputies of the other colonies of North-Ame- 'rica in general Congreſs the firſt Monday of 'September next at Philadelphia, or at any other 'time or place that may be generally agreed on, 'there to conſider the acts lately paſſed and bills 'depending in parliament with regard to the port 'of Boſton and colony of Maſſachuſetts-Bay; 'which acts and bills, in the precedent and con- 'ſequences, affect the whole continent of Ameri- 'ca: alſo the grievances under which America 'labours by reaſon of the ſeveral acts of Parlia- 'ment that impoſe taxes or duties for raiſing a 'revenue, and lay unneceſſary reſtraints and bur- 'dens on trade, and of the ſtatutes, parliamentary 'acts, and royal inſtitutions, which make an in- 'vidious diſtinction between his Majeſty's ſubjects 'in Great-Britain and America; with full power 'and authority to concert, agree to, and effectu- 'ally proſecute ſuch legal meaſures as, in the opi- 'nion of the ſaid deputies, and of the deputies 'ſo to be aſſembled, ſhall be moſt likely to obtain 'a repeal of thoſe acts and a redreſs of thoſe 'grievances: and thereupon moved, that this 'houſe do reſolve to recognize, ratify and con- 'firm the ſaid appointment of the deputies for the 'purpoſes aforeſaid.

'RESOLVED nemine contradicente, that this 'houſe do recognize, ratify and confirm the ap- 'pointment of the ſaid deputies, for the purpoſes 'mentioned

'mentioned in the ſaid motion.' The ſame words were uſed by the people in their general meeting, and by the legal repreſentatives in the conſtitutional aſſembly, and the ſame perſons were members of both bodies. Lieutenant-governor Bull endeavoured to diſſolve them while they were ratifying this reſolution, but the buſineſs was completed before a council could be convened. When too late, the ſentence was pronounced, with the concurrence of one counſellor, the hon. mr. Irvine. This proceeding leſſened the reſpect for royal government, and convinced the people more fully of the propriety of tranſacting publick buſineſs in provincial congreſſes, rather than in conſtitutional aſſemblies. His Majeſty's council for ſeveral years had been loſing their weight in the government. Their number was ſmall, and they were for the moſt part perſons of little influence, unknown to the inhabitants in any other character than that of needy and depending crown officers.

His Majeſty's juſtices made their laſt circuit in the ſpring of 1775. On this occaſion the hon. William-Henry Drayton, one of the aſſiſtant judges, and the only one who was born in America, in his charge to the grand-jury inculcated the ſame ſentiments which were patronized by the popular leaders. Soon after, he was elected preſident of the provincial Congreſs, and devoted his great abilities with uncommon zeal to the ſupport of the meaſures adopted by his native country. Before the next circuit his colleagues, having refuſed to

ſign the aſſociation, were diſarmed, and advertiſed as inimical to the liberties of America. Not long after he was appointed chief-juſtice by the voice of his country.

THROUGHOUT the year 1775, and the firſt months of the year 1776, the popular aſſemblies by words avowed their allegiance to the King of Great-Britain. Even while they were arming themſelves they endeavoured to reconcile this conduct with their allegiance, alleging it was only in ſelf-defence againſt miniſterial tyranny, and not for purpoſes hoſtile to the King of Great-Britain. After the provincial Congreſs had raiſed regular troops, lord William Campbell gave commiſſions to the officers of volunteer companies of militia, which were formed and trained on the recommendation of the popular leaders. His lordſhip alſo convened an aſſembly, and tranſacted publick buſineſs with officers in the provincial regiments who were alſo members of the conſtitutional legiſlature; but finding them inflexibly averſe from his ſchemes, he diſſolved them on the 15th of September 1775, and never afterwards iſſued writs for a new election. For three months after his arrival he was unmoleſted, though indefatigable in ſecretly fomenting oppoſition to the popular meaſures. About the middle of September capt. Adam M'Donald, of the new raiſed provincials, had the addreſs to get himſelf introduced to his Lordſhip under the feigned name of Dick Williams, a ſuppoſed confidential meſſenger from the

the back country royaliſts to the governor. In this aſſumed character he was informed that his lordſhip had, on the day before, received a letter from the King of Great-Britain, ſetting forth, 'that his Majeſty was determined ſpeedily to ſend 'out troops to execute his ſchemes from one end 'of the continent to the other.' With a view of encouraging the royaliſts, the governor gave an exaggerated account of the power of Britain, and of her fixed reſolution to compel the ſubmiſſion of America. He interſperſed his diſcourſe with the ſevereſt reflections on the new-fangled congreſſes and committees. This converſation being ſpeedily reported to the general committee, they ſent a deputation from their body, of which captain M'Donald was one, to demand a communication of his lordſhip's late deſpatches from England, and a peruſal of his correſpondence with the back country. All theſe requiſitions being peremptorily refuſed, it was moved in the committee to take the governor into immediate cuſtody, but the propoſition was rejected by a conſiderable majority. His Lordſhip, mortified at the deception which had been paſſed upon him, and diſtruſtful of his perſonal ſafety in Charleſton, took the province ſeal with him, and retired on board the Tamar ſloop of war. In about a fortnight after, the general committee ſent a deputation from their body with an addreſs, inviting his return to Charleſton; in which they aſſured him, 'that while, agreeably to his own repeated de-'clarations, he ſhould take no active part againſt

'the

'the good people of the colony, in the preſent 'arduous ſtruggle for the preſervation of their 'liberties, they ſhould, to the utmoſt of their 'power, ſecure to his excellency that ſafety and 'reſpect for his perſon and character which the in-'habitants of Carolina had ever wiſhed to ſhew 'to the repreſentative of their Sovereign.'[i] But notwithſtanding theſe fair promiſes his lordſhip thought it moſt prudent to continue on board.

LEGISLATIVE, executive and judicial powers were inſenſibly transferred from their uſual channels to a provincial congreſs, council of ſafety, and ſubordinate committees. The inhabitants, generally alarmed for their liberties, took ſundry ſteps for their preſervation. From their own impulſe they met and choſe their repreſentatives in committees and congreſſes. The power of theſe bodies was undefined; but by common conſent it was comprized in the old Roman maxim: 'To take care that the commonwealth 'ſhould receive no damage.' The ardour of the people, and their jealouſy of the deſigns of Great-Britain, gave the force of laws to their determinations. The voice of an approving country gave efficacy to the proceedings of the committees. They ſupported the provincial Congreſs, which, in its turn, gave an active energy to the reſolutions of the continental Congreſs.

EARLY in 1776 the hon. Henry Middleton, Chriſtopher

[i] See note IX.

Chriſtopher Gadſden and John Rutledge, returned from the continental Congreſs while the provincial Congreſs was ſitting. The preſident William-Henry Drayton, being deſired to return thanks to them and their colleagues for their ſervices in the American Congreſs, addreſſed them in the following words:

'GENTLEMEN,

'WHEN the hand of tyranny, armed in hoſ-'tile manner, was extended from Great-Britain, 'to ſpoil America of whatever ſhe held moſt va-'luable, it was for the moſt important purpoſes 'that the good people of this colony delegated 'you to repreſent them in the continental Con-'greſs at Philadelphia. It became your buſineſs 'to aſcertain the rights of America; to point out 'her violated franchiſes; to make humble repre-'ſentation to the King for redreſs; and, he being 'deaf to the cries of his American ſubjects, to 'appeal to the King of kings for the recovery of 'the rights of an infant people, by the Majeſty of 'Heaven, formed for future empire.

'IN this moſt important buſineſs you engaged, 'as became good citizens, and ſtep by ſtep you 'deliberately advanced through it with a regret 'and ſorrow, and with a reſolution and conduct, 'that bear all the characters of ancient magnani-'mity. Your conſtituents, with a ſteady eye, 'beheld your progreſs—they ſaw the American 'claim of rights—the aſſociation for the recovery

'of

'of the American franchiſes—and the humble pe-
'tition to the King for the redreſs of grievances.
'They ſaw the American appeal to the King of
'kings, and a ſecond humble petition to the
'Britiſh Monarch—alas! as unavailing as the
'firſt. They have alſo ſeen the eſtabliſhment of
'an American naval force—a treaſury and gene-
'ral poſt-office—and the laying on a continental
'embargo. In ſhort, they have ſeen permiſſion
'granted to colonies to erect forms of govern-
'ment independent of, and in oppoſition to,
'the regal authority.

'YOUR country ſaw all theſe proceedings, the
'work of a body of which you were and are mem-
'bers—Proceedings ariſing from dire neceſſity, and
'not from choice—Proceedings that are the natu-
'ral conſequence of the preſent inauſpicious reign
'—Proceedings juſt in themſelves, and which, not-
'withſtanding the late declarations of the corrupt
'houſes of parliament—the proclamation of the
'court of St. James's on the 23d of Auguſt—
'and the ſubſequent royal ſpeech in parliament—
'are exactly as far diſtant from treaſon and rebel-
'lion, as ſtands the glorious revolution which
'deprived a tyrant of his kingdoms, and elevated
'the houſe of Brunſwick to royalty.

'WORTHY delegates! it is the judgment of
'your country that your conduct, of which I
'have juſt marked the grand lines, in the Ame-
'rican Congreſs, is juſtifiable before GOD and
'man,

'man, and that whatever may be the iſſue of 'this unlooked for defenſive civil war, in which 'unfortunately, though glorioufly, we are en-'gaged, whether independence or ſlavery, all the 'blood and all the guilt muſt be imputed to Bri-'tiſh and not to American counſels. Hence your 'conſtituents, ſenſible of the propriety of your 'conduct, have conſtituted me their inſtrument, 'as well to ſignify to you their approbation, as 'to preſent to you their thanks. I do there-'fore moſt reſpectfully, in the name of the Con-'greſs, preſent to you and each of you the thanks 'of your country for your important ſervices in 'the American Congreſs at Philadelphia.'

In this manner, without annihilating the forms of the ancient regal conſtitution, a new government was in a ſhort time introduced by the conſent of the grand body of the people.

Though this new eſtabliſhment was effected by the voice of a great majority—great in number, and in weight and influence greater ſtill; yet, from the circulating of the aſſociation to be publiſhed, it was not wholly without oppoſition. Among the inhabitants of the back country ſeveral events, unfavourable to any revolution, had lately taken place. About the year 1770, the extreme difficulty of bringing criminals from the remote ſettlements to a legal condemnation had induced a number of men, who called themſelves regulators, to take the law into their hands. They, by their

their own authority, inflicted corporal puniſhment on ſundry perſons without any regular condemnation. To remedy abuſes of this kind, lord Charles Greville Montague, then governor of the province, advanced to the rank of colonel a man of low character, of the name of Scovil, and employed him to enforce regular law among theſe ſelf-conſtituted regulators. In execution of his commiſſion he adopted ſevere meaſures, which involved multitudes in great diſtreſs. Theſe unfortunate miſled regulators, having ſuffered for oppoſing regular government, could not be perſuaded to co-operate with their countrymen in the ſupport of congreſſes and committees. They conceived theſe new bodies to be ſimilar to their own regulating aſſemblies.

In the ſame part of the country was a conſiderable number of Dutch inhabitants, who had ſettled on lands granted by the bounty of government. Theſe people had brought from Europe the monarchical ideas of their holding their poſſeſſions at the King's pleaſure. They were therefore eaſily made to believe, that the immediate loſs of their freeholds would be the probable conſequence of their acceding to the American meaſures. After the peace of Paris 1763, grants of land, five pounds ſterling bounty, an exemption from taxes for ten years, and payment of their paſſages, were offered to induce foreign proteſtants to exchange their native country for a ſettlement in South Carolina. The Iriſh, who accepted theſe offers, were generally

rally royaliſts. They conceived that they owed all theſe indulgences to the bounty of the King, and therefore took part with his friends. The people of the ſame nation, who had migrated from the northern provinces, generally entered with zeal into the new meaſures.

AMONG a people who had ſo many reaſons to love and fear their King, and who were happy under his government, it was no difficult matter for lord William Campbell to gain votaries to ſupport the royal intereſt.

HIS lordſhip was unremitting in his endeavours to perſuade theſe uninformed back-ſettlers, that the power of Britain could never be effectually reſiſted by the feeble American colonies—That the whole diſpute was about a trifling tax on tea, which, as they were not in the habit of uſing it, could not to them be intereſting. It was frequently inſinuated that the gentlemen on the ſea coaſt, in order to obtain their tea free from tax, were adopting meaſures which would involve the back country in the want of ſalt, oſnaburgs and imported neceſſaries; and that the expences of the new raiſed regiments would be infinitely more than the trifling taxes impoſed by the Britiſh parliament.

THE violence of ſome over-zealous friends, who inſiſted on their neighbours ſigning the aſſociation, and who would not bear with the ſcru-

ples and objections of their doubting brethren, produced in ſeveral a determined ſpirit of oppoſition.

At an election for repreſentatives in the firſt popular aſſemblies, Moſes Kirkland was an unſucceſsful candidate. In great wrath he exclaimed, 'If this diſpute becomes ſerious, the 'people of South-Carolina ſhall feel the weight 'of my influence.' When the officers for the provincial regiments were appointed, Congreſs, willing to gain him to their intereſt, gave him the rank of captain; but he was diſguſted that his neighbour and rival was promoted to the higher rank of major. At firſt he accepted his commiſſion, and enliſted men; but he very ſoon reſigned it, and, to the utmoſt of his power, encouraged oppoſition to the meaſures of Congreſs.

The people generally felt themſelves ſecure in their perſons and property. It was therefore eaſy to offer arguments againſt renouncing preſent comforts, to ward off future evils. The popular leaders could not urge the inhabitants to the dangers and expences of war, otherwiſe than on ſpeculation, to prevent the more alarming conſequences which would probably take place at a future time, if the proceedings of the Britiſh parliament, againſt Boſton and the province of Maſſachuſetts, were ſuffered to paſs into precedent. Diſtant evils weigh ſo little in the eſtimation of the multitude, that great ſcope was given to thoſe who

who wiſhed to head a party for ſubmitting to the demands of Great-Britain.

THOUGH there were ſome royaliſts in every part of the province, the only ſettlement in which they out-numbered the friends of Congreſs, was in the country between the Broad and Saluda rivers. When it was determined to raiſe troops, the inhabitants of that part of the province could not be perſuaded that the meaſure was neceſſary. Feeling themſelves happy and free from preſent oppreſſion, they were averſe from believing that any deſigns, inimical to American liberty, had been adopted by the Britiſh government. Inſtead of ſigning the aſſociation, they ſigned papers at their general muſters, declaring their unwillingneſs to concur in the meaſures recommended by Congreſs. The council of ſafety ſent the hon. William-Henry Drayton, and the rev. William Tennent, into their ſettlement, to explain to them the nature of the diſpute, and to bring them over to a co-operation with the other inhabitants. They had ſeveral publick meetings, and much eloquence was exerted to induce them to ſign the aſſociation. Some were convinced and ſubſcribed that bond of union; but the greater number could not be perſuaded that there was any neceſſity for congreſſes, committees, or a military eſtabliſhment. Suſpicion, that bane of ſociety, began to exert her miſchievous influence. The friends of the old government doubted the authenticity of all pamphlets and newſpapers, which aſcribed to the

Britiſh

Britiſh troops in Boſton, or to the Britiſh govern-
ment, any deſigns injurious to the rights of the coloniſts. They believed the whole to be an impoſition by artful men, who wiſhed to excite ſtorms, that they might ſhew their ſkill in pilotage. The friends of Congreſs ſuſpected the leading men of the royaliſts to be in the pay of governor Campbell. Reports were circulated by one party, that a plan was laid to ſeize the commiſſioners ſent by the council of ſafety; by the other, that the third provincial regiment was brought up to compel the inhabitants to ſign the aſſociation. Motives and deſigns were reciprocally attributed to each other of the moſt ungenerous nature and miſchievous tendency. The royaliſts embodied for reaſons ſimilar to thoſe which had induced the other inhabitants to arm themſelves againſt Great-Britain. They ſuſpected their adverſaries of an intention to dragoon them into a compliance with the meaſures of Congreſs; and they, in their turn, were ſuſpected of a deſign to commence hoſtilities againſt the aſſociators for diſturbing the eſtabliſhed royal government. Camps were formed in oppoſition to each other, and great pains were taken to increaſe their reſpective numbers. Moderate men employed their good offices to prevent bloodſhed. After ſome days, the leaders on both ſides met in conference. Several explications having taken place, [k] a treaty was reciprocally agreed to, by which it was ſtipulated, that 'the royaliſts ſhould remain in a 'ſtate of neutrality.' [l] Both parties retired to their homes;

[k] See note x. [l] See note xi.

homes, and a temporary calm ſucceeded. Mr. Robert Cunningham, who had been a principal leader among the royaliſts, continued to encourage oppoſition to the popular meaſures, and declared that he did not conſider himſelf as bound by the treaty. Suſpicion again began to ſpread her poiſon. This declaration was conſtrued as an evidence of a fixed intention to diſturb the peace, by another inſurrection. To prevent his attempting any thing of that kind, he was apprehended, brought to town, and committed to gaol. Patrick Cunningham inſtantly armed a party of his friends, and purſued, with the expectation of reſcuing his brother. The party collected on this occaſion ſeized a thouſand pounds of powder, which was at that juncture paſſing through their ſettlement. This was publick property, and had been ſent by the council of ſafety as a preſent to the Cherokee Indians. To inflame the minds of the people, ſome deſigning men among the royaliſts propagated a report, that the powder was ſent to the Indians, accompanied with inſtructions to them, to kill every man who ſhould refuſe to ſign the aſſociation. This charge, entirely falſe in itſelf, was not believed by any of the well-informed inhabitants; nevertheleſs it anſwered the purpoſes of party among ſome of the ignorant multitude. It was confidently aſſerted that ſome private marks had been agreed on by the popular leaders and Indian chiefs, to diſtinguiſh the aſſociators from the non-aſſociators; the former of whom were to be ſpared, and the latter ſacrificed. Great pains were alſo taken

to

to exaſperate the inhabitants againſt the council of ſafety, for furniſhing the Indians with powder at a time when the white people could not be ſupplied with that neceſſary article.

Major Williamſon, who commanded the militia in favour of Congreſs, went in queſt of the party which had taken the publick powder, but was ſoon obliged to retreat before their ſuperior numbers. The royaliſts, irritated by the capture of Cunningham, and fluſhed with ſucceſs in ſeizing the powder, were at this time more numerous than at any other period. Major Williamſon was reduced to the neceſſity of retreating into a ſtockade fort, in which he and his party were confined without any water, till, after three days, by digging they obtained a ſcanty ſupply. The royaliſts poſſeſſed themſelves of the gaol at Ninety-Six, and from that ſtation fired into the fort. Monſieur St. Pierre, an ingenious French gentleman who had ſettled there ſome years before, and had made conſiderable progreſs in the cultivation of vineyards, was killed by the fire of the royaliſts, and ſome others were wounded; but on the whole, very little execution was done. After ſome days the aſſailants hoiſted a flag, and propoſed a truce. Reciprocal permiſſion was given to forward expreſſes from the royaliſts to the governor, and from major Williamſon to the council of ſafety. Both parties once more diſperſed, and retired to their homes.

DOMESTICK diviſion at this time was particularly to be dreaded. An invaſion from Great-Britain was ſoon expected. A Britiſh fleet and army in front, and diſaffected inhabitants in rear, threatened deſtruction to the friends of Congreſs. Lord William Campbell had uniformly recommended to the royaliſts to remain quiet till the arrival of a Britiſh force. This advice, ſo well calculated to diſtract the views of the popular leaders, had been providentially fruſtrated. Similar reaſons of policy to thoſe which induced the royal governor to recommend inaction to the roaliſts, operated with the council of ſafety to cruſh their inteſtine foes before that force ſhould arrive. Their late inſurrection, in violation of the treaty of Ninety-Six, gave ground to doubt of the ſincerity of their engagements to continue in a ſtate of neutrality. From their paſt conduct it was feared, that, as ſoon as a proper opportunity ſhould offer itſelf, they would throw their weight into the royal ſcale. It was therefore judged neceſſary, for the publick ſafety, to march an army into their ſettlements before that event ſhould take place. To remove prejudices, the following declaration was circulated throughout their ſettlements.

'SOUTH-CAROLINA.

'BY AUTHORITY OF CONGRESS.

'IT has ever been the policy of America in ge-
'neral, and of this colony in particular, to endea-
'vour

'vour to cultivate a good correſpondence with the
'neighbouring Indians, and eſpecially ſo ſince the
'commencement of the preſent unhappy diſputes
'with the Britiſh adminiſtration. This policy ori-
'ginated from a view of preſerving, at the cheapeſt
'rate, our borders from ſavage inroads. Of late
'this policy has been perſevered in, and our en-
'deavours have been redoubled, in order to op-
'poſe and to fruſtrate the deſign of the Britiſh ad-
'miniſtration, by the hands of Indians, to deluge
'our frontiers with the blood of our fellow-citi-
'zens. Experience has taught us that occaſional
'preſents to the Indians have been the great
'means of acquiring their friendſhip. In this ne-
'ceſſary ſervice government every year expended
'large ſums of money. The late council of ſafety
'ſpared no pains to confirm them in their pacifick
'inclination; but, from repeated, conſtant and uni-
'form accounts, it clearly appeared that a general
'Indian war was inevitable, unleſs the Indians
'were furniſhed with ſome ſmall ſupplies of am-
'munition, to enable them to procure deer-ſkins
'for their ſupport and maintenance. Rather than
'draw on an Indian war, by an ill-timed frugality
'in withholding ammunition, the late council, in
'October, iſſued a ſupply of ammunition, conſiſt-
'ing of one thouſand weight of powder, and two
'thouſand weight of lead, for the uſe of the Che-
'rokees, as the only probable means of preſerving
'the frontiers from the inroads of the Indians.
'The council the more readily agreed to this
'meaſure, becauſe, as they almoſt daily expected

'that

'that the Britiſh arms would attack the colony in 'front on the ſea coaſt, they thought they would 'be inexcuſable if they did not, as much as in 'them lay, remove every cauſe to apprehend an 'attack at the ſame time from the Indians upon 'the back ſettlements.

'But this meaſure, entered into by the coun-'cil upon principles of the ſoundeſt policy—of 'chriſtianity—breathing equal benevolence to the 'aſſociators and non-aſſociators, and ariſing only 'from neceſſity, unfortunately, has been by ſome 'non-aſſociators made an inſtrument for the moſt 'diabolical purpoſes.

'These wicked men, to the aſtoniſhment of 'common ſenſe, have made many of their deluded 'followers believe, that this ammunition was ſent 'to the Indians, with orders for them to fall upon 'the non-aſſociators, and, taking advantage from 'the ſcarcity of ammunition among individuals, 'ariſing from the neceſſity of filling the publick 'magazines, they have invidiouſly repreſented 'that this ammunition ought not to have been 'ſent to the Indians, while the inhabitants of the 'colony, individually, are in a great meaſure de-'ſtitute of that article.

'Wherefore, in compaſſion to thoſe who are 'deluded by ſuch repreſentations, the Congreſs 'have taken theſe things into their conſideration, 'and they deſire their deceived fellow-coloniſts

'to reflect, that the ſtory of the ammunition being 'ſent to the Indians, with orders for them to maſ- 'ſacre the non-aſſociators, is abſurd in its very 'nature.

'FIRST, Becauſe the whole tenor of the con- 'duct of the council of ſafety demonſtrates that 'they were incapable of ſuch inhumanity as a 'body, and the character of each individual ſhields 'him againſt a charge of ſo cruel a nature.

'SECOND, Becauſe alſo, if men will but call 'reaſon to their aid, they muſt plainly ſee, that, 'if the Indians were let looſe upon the frontiers, 'they muſt indiſcriminately maſſacre aſſociators 'and non-aſſociators, ſince there is no mark to 'diſtinguiſh either to the Indians. However, in 'order to clear up all difficulties on this head, and 'for the eaſe of the minds of our deceived friends, 'the Congreſs in a body, and alſo individually, 'declare, in the moſt ſolemn manner, before AL- 'MIGHTY GOD, that they do not believe any 'order was ever iſſued, or any idea was ever en- 'tertained by the late council of ſafety, or any 'member of it, or by any perſon under authority 'of Congreſs, to cauſe the Indians to commence 'hoſtilities upon the frontiers or any part thereof. 'On the contrary, they do believe that they, and 'each of them, have uſed every endeavour to in- 'culcate in Indians, ſentiments friendly to the in- 'habitants without any diſtinction.

'IT is greatly to be regretted, that our fellow-
'coloniſts, individually, are not ſo well ſupplied
'with ammunition as would be adequate to their
'private convenience. But does not the unhappy
'ſituation of publick affairs juſtify the filling the
'publick magazines; thereby ſecuring the wel-
'fare and forming the defence of the ſtate, at the
'riſk of the convenience or ſafety of individuals.
'And if out of the publick ſtock a quantity of am-
'munition is given to the Indians, which may be
'ſufficient to keep them quiet, by in ſome degree
'ſupplying their urgent occaſions, yet not ſuffici-
'ent to enable them to make war; ought our
'people, nay they cannot have any reaſonable
'ground to arraign the policy by which they are
'and may be preſerved from ſavage hoſtility, or
'to complain that becauſe the whole colony, the
'publick and individuals, cannot be ſupplied with
'ammunition, therefore a ſmall quantity ought
'not to be ſent to the Indians. Men ought to re-
'flect that this ſmall quantity is given in order to
'render it unneceſſary to ſupply the publick indivi-
'dually on the ſcore of a defence againſt Indians.
'Men ſhould alſo reflect that, while the publick
'magazines are well ſtored, ſupplies can be in-
'ſtantly, plentifully and regularly poured upon
'thoſe parts where the publick ſervice may require
'them.

'COMMON ſenſe and common honeſty dictate,
'that if there is a probability that, by a preſent of
'a ſmall quantity of ammunition, the Indians can

be

'be kept in peace, that preſent ought not to be
'withheld, at the hazard of inducing an Indian
'war—involving the colony in immenſe expence
'—breaking up whole ſettlements—and unneceſ-
'ſarily ſacrificing a number of lives.
'Charleſton, Nov. 19, 1775.'

THE provincial congreſs did not reſt their cauſe on reaſoning alone, but enforced their meaſures with an army ſufficiently numerous to intimidate oppoſition. They ſent a large body of militia and new raiſed regulars, under the command of colonels Richardſon and Thomſon. They were alſo joined by ſeven hundred militia of North-Carolina, commanded by colonels Polk and Rutherford, and two hundred and twenty regulars commanded by colonel Martin. In a little time Congreſs had an army of ſeveral thouſand men under their direction, with inſtructions 'to apprehend the leaders 'of the party which had ſeized the powder, and to 'do all other things neceſſary to ſuppreſs the pre-'ſent and prevent future inſurrections.' Colonel Richardſon proceeded in the execution of theſe orders with great moderation and propriety. A demand was made that the perſons who had ſeized the powder ſhould be delivered up to the juſtice of their country. Aſſurances were publickly given that no injury ſhould be done to inoffenſive perſons, who would remain quietly on their plantations. The leaders of the royaliſts found great difficulty in perſuading their followers to embody. They were cut off from all communication with

governor

governor Campbell. Unconnected with their brethren in other parts, there was no union in their meaſures. They were 'a rope of ſand' without order and ſubordination, and without that enthuſiaſm which inſpired the friends of Congreſs. Their leaders were deſtitute of political knowledge and without military experience. The unanimity of the whigs, and the great numbers which, from all ſides, invaded the ſettlements of the royaliſts, diſheartened them from facing their adverſaries in the field of battle. They ſaw reſiſtance to be vain, and that the new government had much greater energy than they had ſuppoſed. The whigs acted by ſyſtem, and in concert with their brethren in the adjacent ſtates, and were directed by a council of ſafety compoſed of the greateſt and wiſeſt men in the province. They eaſily carried every point—ſeized the leaders of the royaliſts—and diſperſed their followers. In effecting this buſineſs they did not loſe a ſingle man, and only one of their number, major Polk, was wounded. This decided ſuperiority gave confidence to the popular leaders, and greatly ſtrengthened their hands. The vanquiſhed royaliſts retired to their plantations; but on all occaſions diſcovered as much obſtinacy in oppoſing their countrymen, as their countrymen did firmneſs in oppoſing Great-Britain. Several of them, and of others who were averſe from fighting, retired over the mountains, where, remote from the noiſe and buſtle of war, they enjoyed that independence for which ſo many were contending. In the year 1778, when

when every inhabitant was called on to take an oath of allegiance to the ſtate, many of them voluntarily abandoned their country for the barren ſands of Eaſt-Florida. In the ſame year, when the alliance between France and the United States of America was publiſhed, others of them nominally joined the Congreſs. Mr. Robert Cunningham and two or three more of their leading men, were elected members of the legiſlature. After the reduction of Savannah, a conſiderable party roſe a ſecond time in favour of royal government; but they were completely routed on their way to the Britiſh encampments in Georgia. They afterwards remained quiet till the Britiſh obtained poſſeſſion of Charleſton.

EXCEPTING theſe ill-concerted inſurrections, no publick body in the province, prior to the Britiſh conqueſts in the year 1780, gave avowed evidence of their diſapprobation of the popular meaſures. Several in private, no doubt, complained; but they contented themſelves with ſecret murmurings. The number of ſlaves within the province, and of Indians on its weſtern frontier, together with the large extent of unprotected ſea-coaſt, were, in the opinion of ſome worthy men, inſuperable obſtacles to ſucceſs in contending with Great-Britain. Several, influenced by reaſoning of this ſort, would rather have tamely ſubmitted to the encroachments of the mother-country than riſked the vengeance of her arms.

THE

The ſelfiſh among the merchants and planters, whoſe gains were leſſened by the ceſſation of trade, wiſhed for the return of buſineſs; but the main body of both claſſes moſt heartily concurred with the popular meaſures. A great majority of the people determined to ſacrifice eaſe, pleaſure and fortune, and to riſk life itſelf, to obtain permanent ſecurity for American rights. They believed their liberties to be in danger. Rouſed with this apprehenſion, they were animated to the moſt ſelf-denying exertions. Beſide their ſuperiority in numbers, there was an ardour and enthuſiaſm in the friends of Congreſs which was generally wanting in the advocates for royal government. The fiery warm ſpirits, for the moſt part, ſided with the former; but the latter were chiefly compoſed of the ignorant, the ſelfiſh, and the timid. Vigorous deciſive meaſures characterized the popular party; while their oppoſers either acted without ſyſtem, or from timid counſels which were feebly executed.

No revolution was ever effected with greater unanimity, or with more order and regularity. The leading men in every part of the province, with very few exceptions, from the firſt moments of the conteſt, exerted themſelves in the cauſe of their country. Their abilities and influence gave union and ſyſtem to the proceedings of the people. A few perſons in the colony hated republican governments, and ſome ignorant people in the back country were induced to believe that the whole

was

was an artful deception, impoſed upon them for intereſted purpoſes, by the gentlemen of fortune and ambition on the ſea coaſt. But among the independent enlightened freemen of the province, who loved liberty, and had ſpirit to riſk life and fortune in its ſupport, there were very few to be found who took part with the royaliſts.

CHAPTER

CHAPTER FOURTH.

Of the formation of a regular conſtitution.

TILL the year 1776, the oppoſition to Great-Britain was conducted on ſuch temporary principles, that the repeal of a few acts of parliament would have immediately produced a reinſtatement of Britiſh government—a diſſolution of the American army—and a recommencement of the mercantile intercourſe between the two countries. The refuſal of Great-Britain to redreſs the grievances of the colonies, ſuggeſted to ſome bold ſpirits early in 1776, the neceſſity of going much greater lengths than was originally intended.

A FEW penetrating minds foreſaw that the love of dominion in the parent ſtate, and the unconquerable love of liberty in America, would forever obſtruct a cordial reconciliation; but the bulk of the people ſtill flattered themſelves with the fond hopes of a re-union.

PUBLICK affairs were in confuſion for want of a regular conſtitution. The impropriety of holding courts of juſtice under the authority of a ſovereign againſt whom all the colony was in arms, ſtruck every thinking perſon. The impoſſibility of governing a large community by the ties of honour, without the authority of law, was equally apparent. But notwithſtanding the preſſing weight of all theſe conſiderations, the formation of an in-

dependent conſtitution had ſo much the appearance of an eternal ſeparation from a country, by a reconciliation with which many yet hoped for a return of ancient happineſs, that a great part of the provincial Congreſs oppoſed the neceſſary meaſure. At the very time when they were ſuſpended on this important debate, an expreſs arrived from Savannah, with an act of parliament, paſſed December 21, 1775, confiſcating American property, and throwing all the coloniſts out of his Majeſty's protection. [m] This turned the ſcale—ſilenced all the moderate men who were advocates for a reconciliation—and produced a majority for an independent conſtitution. In leſs than an hour after that act was read in the provincial Congreſs, an order was iſſued to ſeize, for the publick, the Port-Henderſon, a Jamaica veſſel, loaded with ſugar, which had put into Charleſton, on her way to London, though ſhe had the day before obtained leave to paſs the forts, and would have ſailed the ſame afternoon on her intended voyage.

PREVIOUS to this Governor Tonyn, of Eaſt-Florida, had commiſſioned a privateer to plunder the unarmed inhabitants of Georgia and Carolina, and the royal ſervants had repeatedly ſeized private property. The Carolinians, ſtill partial to Great-Britain, conſidered theſe proceedings as the raſh acts of individuals; but a law of the national parliament, which had thrown them out of his Majeſty's protection, convinced the moſt lukewarm, that

[m] See note XII.

that America, legally discharged from her allegiance to the King of Great-Britain, must now take care of herself.

So strong was the attachment of many to Great-Britain, which they fondly called the mother-country, that though they assented to the establishment of an independent constitution, yet it was carried, after a long debate, that it was only to exist 'till 'a reconciliation between Great-Britain and the 'colonies should take place.' The friends of reconciliation believed that it was the dictate of sound policy, and in no respect incompatible with the true honour and dignity of the parent-state, to redress the grievances of the American colonies. The great body of the people would have rejoiced at such an event, and would with cheerfulness have returned to the class of peaceable citizens in the ancient line of subordination. They therefore only framed a temporary constitution, consisting of three branches, on the model of the British government. This was nothing more than reducing into form and order, their system of government by congresses and committees, and could have been relinquished, in case of a reconciliation with Great-Britain, as easily as the late undefined mode of conducting publick business. The determinations of the provincial Congress on this occasion were introduced with the following preamble:

'WHEREAS the British parliament, claiming 'of late years a right to bind the North-Ameri-

'can

'can colonies by law, in all caſes whatſoever, have
'enacted ſtatutes for raiſing a revenue in thoſe
'colonies, and diſpoſing of ſuch revenue as they
'thought proper, without the conſent, and againſt
'the will of the coloniſts. And whereas, it ap-
'pearing to them, that (they not being repreſented
'in parliament) ſuch claim was altogether uncon-
'ſtitutional; and, if admitted, would at once re-
'duce them from the rank of freemen to a ſtate
'of the moſt abject ſlavery; the ſaid colonies,
'therefore, ſeverally remonſtrated againſt the paſſ-
'ing, and petitioned for the repeal of thoſe acts—
'but in vain. And whereas the ſaid claim being
'perſiſted in, other unconſtitutional and oppreſ-
'ſive ſtatutes have been ſince enacted, by which
'the powers of the admiralty-courts in the colo-
'nies are extended beyond their ancient limits,
'and juriſdiction is given to ſuch courts in caſes
'ſimilar to thoſe which in Great-Britain are triable
'by jury—perſons are liable to be ſent to, and
'tried in, Great-Britain, for an offence created
'and made capital by one of thoſe ſtatutes, though
'committed in the colonies—the harbour of Bo-
'ſton was blocked up—people indicted for mur-
'der in the Maſſachuſetts-Bay, may, at the will of
'the governor, be ſent for trial to any other co-
'lony, or even to Great-Britain—the chartered
'conſtitution of government in that colony is ma-
'terially altered—the Engliſh laws and a free go-
'vernment, to which the inhabitants of Quebec
'were entitled by the King's royal proclamation,
'are aboliſhed; and French laws are reſtored;

'the

'the Roman Catholick religion (although before
'tolerated and freely exerciſed there) and an ab-
'ſolute government, are eſtabliſhed in that pro-
'vince, and its limits extended through a vaſt
'tract of country, ſo as to border on the free pro-
'teſtant Engliſh ſettlements, with deſign of uſing
'a whole people, differing in religious principles
'from the neighbouring colonies, and ſubject to
'arbitrary power, as fit inſtruments to over-awe
'and ſubdue the colonies. And whereas the de-
'legates of all the colonies on this continent,
'from Nova-Scotia to Georgia, aſſembled in a Ge-
'neral Congreſs at Philadelphia, in the moſt duti-
'ful manner, laid their complaints at the foot of
'the throne, and humbly implored their ſovereign,
'that his royal authority and interpoſition might
'be uſed for their relief from the grievances occa-
'ſioned by thoſe ſtatutes, and aſſured his Majeſty,
'that harmony between Great-Britain and Ame-
'rica, ardently deſired by the latter, would be
'thereby immediately reſtored, and that the co-
'loniſts confided in the magnanimity and juſtice
'of the King and parliament for redreſs of the
'many other grievances under which they la-
'boured. And whereas, theſe complaints being
'wholly diſregarded, ſtatutes, ſtill more cruel than
'thoſe above mentioned, have been enacted, pro-
'hibiting the intercourſe of the colonies with each
'other, reſtricting their trade, and depriving many
'thouſands of people of the means of ſubſiſtence,
'by reſtraining them from fiſhing on the American
'coaſt. And whereas large fleets and armies
'having

'having been ſent to America, in order to enforce
'the execution of thoſe laws, and to compel an
'abſolute and implicit ſubmiſſion to the will of a
'corrupt and deſpotick adminiſtration, and in con-
'ſequence thereof, hoſtilities having been com-
'menced in the Maſſachuſetts-Bay, by the troops
'under command of general Gage, whereby a
'number of peaceable, helpleſs, and unarmed
'people, were wantonly robbed and murdered;
'and there being juſt reaſon to apprehend that
'like hoſtilities would be committed in all the
'other colonies, the coloniſts were therefore
'driven to the neceſſity of taking up arms to repel
'force by force, and to defend themſelves and
'their properties againſt lawleſs invaſions and de-
'predations.—Nevertheleſs the delegates of the
'ſaid colonies, aſſembled in another Congreſs at
'Philadelphia, anxious to procure a reconciliation
'with Great-Britain, upon juſt and conſtitutional
'principles, ſupplicated his Majeſty to direct ſome
'mode by which the united applications of his
'faithful coloniſts might be improved into a happy
'and permanent reconciliation; that in the mean
'time meaſures might be taken for preventing the
'further deſtruction of their lives; and that ſuch
'ſtatutes as immediately diſtreſſed any of the co-
'loniſts might be repealed. And whereas, inſtead
'of obtaining that juſtice to which the coloniſts
'were and are of right entitled, the unnatural civil
'war, into which they were thus precipitated, and
'are involved, hath been proſecuted with unre-
'mitted violence; and the governors and others

'bearing

'bearing the royal commiſſion in the colonies, having broken the moſt ſolemn promiſes and engagements, and violated every obligation of honour, juſtice and humanity, have cauſed the perſons of divers good people to be ſeized and impriſoned, and their properties to be forceably taken and detained or deſtroyed, without any crime or forfeiture—excited domeſtick inſurrections—proclaimed freedom to ſervants and ſlaves —enticed or ſtolen them from, and armed them againſt their maſters—inſtigated and encouraged the Indian nations to war againſt the colonies—diſpenſed with the law of the land, and ſubſtituted the law-martial in its ſtead—killed many of the coloniſts—burned ſeveral towns, and threatened to burn the reſt; and daily endeavour, by a conduct which has ſullied the Britiſh arms, and would diſgrace even ſavage nations, to effect the ruin and deſtruction of the colonies. And whereas a ſtatute hath been lately paſſed, whereby, under pretence that the ſaid colonies are in open rebellion, all trade and commerce whatſoever with them is prohibited—veſſels belonging to their inhabitants trading in, to or from the ſaid colonies, with the cargoes and effects on board ſuch veſſels, are made lawful prize, and the maſters and crews of ſuch veſſels are ſubjected, by force, to act on board the King's ſhips, againſt their country and deareſt friends; and all ſeizures and detention, or deſtruction of the perſons and properties of the coloniſts, which have at any time been made, or committed, for

'withſtanding

'withſtanding or ſuppreſſing the ſaid pretended
'rebellion, and which ſhall be made in purſuance
'of the ſaid act, or for the ſervice of the publick,
'are juſtified; and perſons ſuing for damages in
'ſuch caſes are, on failing in their ſuits, ſubjected
'to payment of very heavy expences. And where-
'as large reinforcements of troops and ſhips have
'been ordered, and are daily expected in Ame-
'rica, for carrying on war againſt each of the
'United Colonies, by the moſt vigorous exer-
'tions. And whereas, in conſequence of a plan
'recommended by the governors, and which
'ſeems to have been concerted between them and
'their miniſterial maſters, to withdraw the uſual
'officers, and thereby looſen the bands of govern-
'ment, and create anarchy and confuſion in the
'colonies, lord William Campbell, late governor,
'on the 15th day of September laſt, diſſolved the
'general aſſembly of this colony, and no other
'hath ſince been called, although by law the ſit-
'ting and holding of general aſſemblies cannot
'be intermitted above ſix months; and having
'uſed his utmoſt efforts to deſtroy the lives, li-
'berties and properties of the good people here,
'whom, by the duty of his ſtation, he was bound
'to protect, withdrew himſelf from the colony,
'and carried off the great ſeal and the royal in-
'ſtructions to governors. And whereas the judges
'of the courts of law here have refuſed to exerciſe
'their reſpective functions, ſo that it is become in-
'diſpenſably neceſſary, that during the preſent
'ſituation of American affairs, and until an ac-
'commodation

'commodation of the unhappy differences be-
'tween Great-Britain and America can be ob-
'tained, (an event, which though traduced and
'treated as rebels, we ſtill earneſtly deſire) ſome
'mode ſhould be eſtabliſhed by common conſent,
'and for the good of the people, the origin and
'end of all government, for regulating the inter-
'nal polity of this colony; the Congreſs, being
'veſted with powers competent for the purpoſe,
'and having fully deliberated touching the pre-
'miſes, do therefore reſolve—

THE moſt eſſential parts of this temporary conſtitution are contained in the following reſolutions:

'I. THAT this Congreſs, being a full and free
'repreſentation of the people of this colony, ſhall
'henceforth be deemed and called the General
'Aſſembly of South-Carolina, and as ſuch ſhall
'continue until the 21ſt of October next, and no
'longer.

'II. THAT the general aſſembly ſhall, out of
'their own body, elect, by ballot, a legiſlative-
'council, to conſiſt of thirteen members, (ſeven
'of whom ſhall be a quorum) and to continue for
'the ſame time as the general aſſembly.

'III. THAT the general aſſembly, and legiſla-
'tive-council, ſhall jointly chooſe, by ballot, from
'among themſelves, or from the people at large,

'a preſident and commander in chief, and a vice-
'preſident of the colony.

'V. THAT there be a privy-council, whereof
'the vice-preſident of the colony ſhall of courſe
'be a member and preſident of the privy-council,
'and that ſix other members be choſen by ballot,
'three by the general aſſembly, and three by the
'legiſlative-council; provided always, that no of-
'ficer of the army or navy, in the ſervice of the
'continent, or of this colony, ſhall be eligible.

'VII. THAT the legiſlative authority be veſted
'in the preſident and commander in chief, the
'general aſſembly, and legiſlative-council.

'XI. THAT on the laſt Monday in October
'next, and the day following, and on the ſame
'days of every ſecond year thereafter, members
'of the general aſſembly ſhall be choſen, to meet
'on the firſt Monday in December then next, and
'continue for two years from the ſaid laſt Monday
'in October. The general aſſembly to conſiſt of
'the ſame number of members as this congreſs
'does, each pariſh and diſtrict having the ſame
'repreſentation as at preſent. And the election
'of the ſaid members ſhall be conducted, as near
'as may be, agreeably to the directions of the
'election-act. The qualification of electors ſhall
'be the ſame as required by law.

'XVI.

'XVI. THAT the vice-preſident of the colony, 'and the privy-council, for the time being, ſhall 'exerciſe the powers of a court of chancery. And 'there ſhall be an ordinary, who ſhall exerciſe 'the powers heretofore exerciſed by that officer 'in this colony.

'XIX. THAT juſtices of the peace ſhall be no-'minated by the general aſſembly, and commiſſi-'oned by the preſident during pleaſure.

'XX. THAT all other judicial officers ſhall be 'choſen, by ballot, jointly by the general aſſem-'bly and legiſlative-council.

'XXI. THAT the ſheriffs, qualified as by law 'directed, ſhall be choſen in like manner by the 'general aſſembly and legiſlative-council, and com-'miſſioned by the preſident for two years only.

'XXII. THE commiſſioners of the treaſury, 'the ſecretary of the colony, the regiſter of meſne 'conveyances, attorney-general, and powder-re-'ceiver, ſhall be choſen by the general aſſembly 'and legiſlative-council jointly, by ballot, and 'commiſſioned by the preſident during good be-'haviour; but ſhall be removed on the addreſs of 'the general aſſembly and legiſlative-council.

'XXIII. THAT all field-officers in the army, 'and all captains in the navy, ſhall be, by the ge-'neral aſſembly and legiſlative-council, choſen 'jointly

'jointly, by ballot, and commiſſioned by the pre-
'ſident; and that all other officers in the army
'and navy ſhall be commiſſioned by the preſident
'and commander in chief.

'XXVI. THAT the preſident ſhall have no
'power to make war or peace, or enter into any
'final treaty, without the conſent of the general
'aſſembly and the legiſlative-council.

'XXVIII. THAT the reſolutions of the conti-
'nental Congreſs, now in force in this colony,
'ſhall ſo continue until altered or revoked by
'them.

'XXIX. THAT the reſolutions of this or any
'former congreſs of this colony, and all laws now
'of force here, and not hereby altered, ſhall ſo
'continue until altered or repealed by the legiſla-
'ture of this colony, unleſs where they are tem-
'porary, in which caſe they ſhall expire at the
'times reſpectively limited for their duration.

'XXX. THAT the executive authority be veſted
'in the preſident, limited and reſtrained as afore-
'ſaid.'

IN conſequence of this temporary conſtitution the following appointments took place.

The

The honourable { Charles Pinckney, Henry Middleton, Richard Richardſon, Rawlins Lowndes, Le-Roy Hammond, David Olyphant, Thomas Ferguſon, Stephen Bull, George-Gabriel Powell, Thomas Bee, Joſeph Kerſhaw, Thomas Shubrick, William Moultrie, } Members of the legiſlative-council.

His excellency John Rutledge, eſq. preſident.
His honour Henry Laurens, eſq. vice-preſident.
Hon. William-Henry Drayton, eſq. chief-juſtice.
Hon. Thomas Bee, John Mathews and Henry Pendleton, eſqrs. aſſiſtant judges.
Alexander Moultrie, eſq. attorney-general.
John Huger, eſq. ſecretary.
William Burrows, eſq. ordinary.
Hugh Rutledge, eſq. judge of the admiralty.
George Sheed, eſq. regiſter of meſne conveyances.

Hon. { James Parſons, William-Henry Drayton, John Edwards, Charles Pinckney, Thomas Ferguſon, Rawlins Lowndes, } Members of the privy-council.

THE honourable John Rutledge, eſq. being preſent as a member of the provincial congreſs when he was elected preſident and commander in chief of the colony, addreſſed himſelf to his former colleagues in words to the following effect:

'GENTLEMEN,

'THE very great, unſolicited and unexpected 'honour, which you have been pleaſed to confer 'on me, has overwhelmed me with gratitude 'and concern.—Permit me to return you my 'moſt ſincere thanks, for ſo diſtinguiſhing and 'unmerited a mark of your confidence and 'eſteem. I have the deepeſt ſenſe of this honour '—The being called, by the free ſuffrages of a 'brave and generous people, to preſide over their 'welfare, is, in my opinion, the higheſt any man 'can receive: But, dreading the weighty and ar- 'duous duties of this ſtation, I really wiſh that 'your choice had fallen upon one, better qualified 'to diſcharge them; for though in zeal and in- 'tegrity I will yield to no man, in abilities to 'ſerve you I know my inferiority to many: Since 'however, this, gentlemen, is your pleaſure, al- 'though I foreſee that by ſubmitting to it I ſhall 'be ranked by our enemies amongſt ambitious 'and deſigning men, by whom, they ſay, the 'people have been deceived and miſled; yet, as 'I have always thought every man's beſt ſer- 'vices due to his country, no fear of ſlander, or 'of difficulty or danger, ſhall deter me from yield- 'ing mine—In ſo perilous a ſeaſon as the preſent,

'I

'I will not withhold them; but, in her cauſe, 'every moment of my time ſhall be employed: 'Happy, indeed, ſhall I be, if thoſe ſervices anſwer 'your expectations, or my own wiſhes—On the 'candour of my worthy countrymen I rely to 'put the moſt favourable conſtruction, as they 'hitherto have done, upon my actions—I aſſure 'myſelf of receiving, in the faithful diſcharge of 'my duty, the ſupport and aſſiſtance of every 'good man in the colony; and my moſt fervent 'prayer, to the omnipotent ruler of the univerſe, 'is, that, under his gracious providence, the li-'berties of America may be for-ever preſerved.'

IMMEDIATELY after his election, the preſident, in the preſence of both houſes, took the following oath: 'I, John Rutledge, do ſolemnly promiſe and 'ſwear, upon the Holy Evangeliſts of Almighty 'GOD, that I will preſide over the people of this 'colony, according to the conſtitution or form of 'government agreed to and reſolved upon by the 'repreſentatives of South-Carolina, on the 26th 'of March, 1776; that I will cauſe law and juſtice, 'in mercy, to be executed, and to the utmoſt of 'my power maintain and defend the laws of 'GOD, the proteſtant religion, and the liberties 'of America.'

IN a few days after the legiſlative-council and general aſſembly addreſſed their preſident in the following words:

'WE,

'WE, the legiſlative-council and general aſ-
'ſembly of South-Carolina, convened under the
'authority of the equitable conſtitution of go-
'vernment eſtabliſhed by a free people in Con-
'greſs, on the 26th ult. beg leave, moſt reſpect-
'fully, to addreſs your excellency.

'NOTHING is better known to your excellen-
'cy, than the unavoidable neceſſity which in-
'duced us as members of Congreſs on the part
'of the people to reſume the powers of govern-
'ment, and to eſtabliſh ſome mode for regulating
'the internal polity of this colony; and, as mem-
'bers of the legiſlative-council and general aſſem-
'bly, to veſt you, for a time limited, with the exe-
'cutive authority. Such conſtitutional proceed-
'ings on our part, we make no doubt, will be miſ-
'conſtrued into acts of the greateſt criminality by
'that deſpotiſm, which, loſt to all ſenſe of juſtice
'and humanity, has already pretended that we
'are in actual rebellion. But, ſir, when we re-
'flect upon the unprovoked, cruel and accumu-
'lated oppreſſions under which America in gene-
'ral, and this country in particular, has long con-
'tinued; oppreſſions which, gradually increaſing
'in injuſtice and violence, are now by the inexo-
'rable tyranny perpetrated againſt the United
'Colonies, under the various forms of robbery,
'conflagration, maſſacre, breach of publick faith,
'and open war—Conſcious of our natural and una-
'lienable rights, and determined to make every
'effort in our power to retain them, we ſee
'your

'your excellency's elevation, from the midſt of 'us, to govern this country, as the natural con-'ſequence of ſuch outrages.

'By the ſuffrages of a free people you, Sir, 'have been choſen to hold the reins of govern-'ment—an event as honourable to yourſelf, as 'beneficial to the publick. We firmly truſt 'you will make the conſtitution the great rule of 'your conduct; and, in the moſt ſolemn man-'ner, we do aſſure your excellency, that, in the 'diſcharge of your duties under that conſtitution 'which looks forward to an accommodation with 'Great-Britain, (an event which, though traduced 'and treated as rebels, we ſtill earneſtly deſire) 'we will ſupport you with our lives and fortunes.'

By the preſident's oath, and this addreſs, the much talked of ſocial compact was realized. A variety of new obligations were created. The chief magiſtrate and the people had each their reſpective ſtations aſſigned them.

From this time forward the publick buſineſs was conducted agreeably to the fixed rules of the temporary conſtitution. Inſtead of reſolutions of the congreſſes and committees, bills were brought in and debated both in the aſſembly and legiſlative-council, deliberating apart and uninfluenced by each other. On their being agreed to by both houſes, they were preſented to the preſident for his aſſent. When duly enacted by the three

branches of legiſlature, they were carried into execution by the preſident and privy-council. An act of aſſembly was paſſed in this ſeſſion, for 'preventing ſedition, and puniſhing inſurgents and diſturbers of the publick peace.'

By this law treaſon and rebellion aſſumed a new form, and the penalties of theſe crimes were legally denounced againſt the aiders and abetters of Britiſh government.

After paſſing a few neceſſary laws, the repreſentatives of the people cloſed their ſeſſion on the 11th of April, 1776. On this occaſion his excellency preſident Rutledge addreſſed both houſes in the following words:

'Honourable gentlemen of the legiſlative-council, Mr. Speaker, and gentlemen of the general aſſembly,

'It has afforded me much ſatisfaction to obſerve, that, though the ſeaſon of the year rendered your ſitting very inconvenient, your private concerns, which muſt have ſuffered greatly by your long and cloſe application in the late congreſs to the affairs of this colony, requiring your preſence in the country; yet, continuing to prefer the publick weal to eaſe and retirement, you have been buſily engaged in framing ſuch laws as our peculiar circumſtances rendered abſolutely neceſſary to be paſſed, before your adjournment.—

'journment.—Having given my aſſent to them, I 'preſume you are now deſirous of a receſs.

'On my part, a moſt ſolemn oath has been 'taken, for the faithful diſcharge of my duty— 'On yours, a ſolemn aſſurance has been given, 'to ſupport me therein.—Thus, a publick com- 'pact between us ſtands recorded.—You may reſt 'aſſured, that I ſhall keep this oath ever in mind '—the conſtitution ſhall be the invariable rule of 'my conduct—my ears ſhall be always open to 'the complaints of the injured—Juſtice, in mer- 'cy, ſhall neither be denied or delayed—Our 'laws and religion, and the liberties of America, 'ſhall be maintained and defended to the utmoſt 'of my power.—I repoſe the moſt perfect confi- 'dence in your engagement.

'And now, gentlemen, let me intreat that you 'will, in your ſeveral pariſhes and diſtricts, uſe 'your influence and authority to keep peace and 'good order, and procure ſtrict obſervance of, 'and ready obedience to, the law.—If any per- 'ſons therein are ſtill ſtrangers to the nature and 'merits of the diſpute between Great-Britain and 'the colonies, you will explain it to them fully, 'and teach them, if they are ſo unfortunate as 'not to know, their inherent rights.—Prove to 'them, that the privileges of being tried by a 'jury of the vicinage, acquainted with the parties 'and witneſſes; of being taxed only with their 'own conſent, given by their repreſentatives,

'freely

'freely choſen by, and ſharing the burden equal-
'ly with, themſelves, not for the aggrandizing a
'rapacious miniſter, and his dependant favourites,
'and for corrupting the people, and ſubverting
'their liberties, but for ſuch wiſe and ſalutary
'purpoſes, as they themſelves approve; and of
'having their internal polity regulated, only by
'laws conſented to by competent judges of what
'is beſt adapted to their ſituation and circum-
'ſtances, equally bound too by thoſe laws—are
'ineſtimable, and derived from that conſtituti-
'on, which is the birth-right of the pooreſt man,
'and the beſt inheritance of the moſt wealthy.—
'Relate to them the various unjuſt and cruel ſta-
'tutes which the Britiſh parliament, claiming a
'right to make laws for binding the colonies in
'all caſes whatſoever, have enacted, and the
'many ſanguinary meaſures which have been,
'and are daily purſued and threatened, to wreſt
'from them thoſe invaluable benefits, and to en-
'force ſuch an unlimited and deſtructive claim.
'To the moſt illiterate it muſt appear, that no
'power on earth can, of right, deprive them of
'the hardly-earned fruits of their honeſt induſtry,
'toil and labour—even to them the impious at-
'tempt to prevent many thouſands from uſing
'the means of ſubſiſtence, provided for man by
'the bounty of his Creator, and to compel them,
'by famine, to ſurrender their rights, will ſeem
'to call for Divine vengeance.—The endeavours,
'by deceit and bribery, to engage barbarous na-
'tions to imbrue their hands in the innocent blood

'of

'of helpleſs women and children, and the at-
'tempts, by fair but falſe promiſes, to make igno-
'rant domeſticks ſubſervient to the moſt wicked
'purpoſes, are acts at which humanity muſt re-
'volt.

'SHEW your conſtituents, then, the indiſpen-
'ſable neceſſity which there was for eſtabliſhing
'ſome mode of government in this colony; the
'benefits of that, which a full and free repreſen-
'tation has eſtabliſhed; and that the conſent of
'the people is the origin, and their happineſs the
'end of government.—Remove the apprehenſions
'with which honeſt and well-meaning, but weak
'and credulous minds, may be alarmed; and
'prevent ill impreſſions by artful and deſigning
'enemies.—Let it be known, that this conſtitu-
'tion is but temporary—till an accommodation
'of the unhappy differences between Great-Bri-
'tain and America can be obtained; and that
'ſuch an event is ſtill deſired, by men who yet
'remember former friendſhips and intimate con-
'nections, though, for defending their perſons
'and properties, they are ſtigmatized and treated
'as rebels.

'TRUTH, being known, will prevail over artifice
'and miſrepreſentation—Conviction muſt follow
'its diſcovery.—In ſuch a caſe, no man who is
'worthy of life, liberty or property, will or can
'refuſe to join you in defending them to the laſt
'extremity—diſdaining every ſordid view, and
'the mean paltry conſiderations of private inte-
'reſt,

'reſt, and preſent emolument, when placed in 'competition with the liberties of millions; and 'ſeeing that there is no alternative, but abſolute 'unconditional ſubmiſſion, and the moſt abject 'ſlavery, or a defence becoming men born to 'freedom, he will not heſitate about the choice. '—Although ſuperior force may, by the permiſ-'ſion of Heaven, lay waſte our towns, and ra-'vage our country, it can never eradicate, from 'the breaſts of freemen, thoſe principles which 'are ingrafted in their very nature—ſuch men 'will do their duty, neither knowing or regard-'ing conſequences; but ſubmitting them with 'humble confidence to the Omniſcient and Om-'nipotent Arbiter and Director of the fate of 'empires, and truſting that his Almighty Arm, 'which has been ſo ſignally ſtretched out for 'our defence, will deliver them in a righteous 'cauſe.

'THE eyes of Europe, nay of the whole world, 'are on America.—The eyes of every other co-'lony are on this—a colony, whoſe reputation 'for generoſity and magnanimity, is univerſally 'acknowledged. I truſt, therefore, it will not 'be diminiſhed by our future conduct; that there 'will be no civil diſcord here; and that the only 'ſtrife amongſt brethren will be, who ſhall do 'moſt to ſerve and to ſave an oppreſſed and in-'jured country.'

THE courts of juſtice, which had been ſhut for

for twelve months, were, with great ſolemnity, opened on the 23d of April, 1776, under the ſanction of this temporary conſtitution. On that occaſion the honourable William-Henry Drayton, eſquire, chief-juſtice, under the appointment of the provincial Congreſs, gave the following charge to the grand-jury:

'GENTLEMEN OF THE GRAND-JURY,

'WHEN by evil machinations, tending to no-'thing leſs than abſolute tyranny, trials by jury 'have been diſcontinued; and juries in diſcharge 'of their duty have aſſembled, and as ſoon as met 'ſilently and arbitrarily diſmiſſed without be-'ing impannelled, whereby, in contempt of Mag-'na Charta, juſtice has been delayed and denied: 'it cannot but afford to every good citizen, the 'moſt ſincere ſatisfaction, once more to ſee juries, 'as they now are, legally impannelled, to the end 'that the laws may be duly adminiſtered.—I do 'moſt heartily congratulate you upon ſo impor-'tant an event.

'IN this court, where ſilence has but too long 'preſided, with a direct purpoſe to looſen the 'bands of government, that this country might 'be involved in anarchy and confuſion; you are 'now met to regulate your verdicts, under a new 'conſtitution of government, independent of royal 'authority—a conſtitution which aroſe according 'to the great law of nature and of nations; and

'which

'which was eſtabliſhed in the late Congreſs on 'the 26th day of March laſt—A day that will 'be ever memorable in this country—a month, 'remarkable in our hiſtory, for having given birth 'to the original conſtitution of our government in 'the year 1669; for being the æra of the Ame-'rican calamities by the ſtamp-act in the year '1765; for being the date of the repeal of that 'act in the following year.—But I proceed to lay 'before you, the principal cauſes leading to the 'late revolution of our government—the law 'upon the point—and the benefits reſulting from 'that happy and neceſſary eſtabliſhment.—The 'importance of the tranſaction deſerves ſuch a 'ſtate—the occaſion demands,—and our future 'welfare requires it: to do this may take up ſome 'little time; but the ſubject is of the higheſt 'moment; and worthy of your particular atten-'tion: I will therefore confine my diſcourſe to 'that great point; and after charging you to at-'tend to the due obſervance of the jury-law, and 'the patrol and negro acts, forbearing to mention 'the other common duties of a grand-jury, I will 'expound to you, THE CONSTITUTION OF YOUR 'COUNTRY.

'THE houſe of Brunſwick was yet ſcarcely 'ſettled in the Britiſh throne, to which it had been 'called by a free people, when in the year 1719, 'our anceſtors in this country, finding that the 'government of the lords proprietors operated 'to their ruin, exerciſed the rights tranſmitted

'to

'to them by their forefathers of England; and 'caſting off the proprietary authority, called upon 'the houſe of Brunſwick to rule over them—a 'houſe elevated to royal dominion, for no other 'purpoſe than to preſerve to a people their una-'lienable rights. The King accepted the invita-'tion; and thereby indiſputably admitted the 'legality of that revolution. And in ſo doing, 'by his own act, he veſted in thoſe our forefa-'thers, and in us their poſterity, a clear right to 'effect another revolution, if ever the govern-'ment of the houſe of Brunſwick ſhould operate 'to the ruin of the people.—So the excellent 'Roman Emperor Trajan, delivered a ſword to 'Saburanus his captain of the Prætorian guard, 'with this admired ſentence: "Receive this "ſword, and uſe it to defend me if I govern well, "but againſt me if I behave ill."

'WITH joyful acclamations, our anceſtors, by 'act of aſſembly, paſſed on the 18th day of Au-'guſt 1721, RECOGNIZED the Britiſh monarch: 'the virtues of the ſecond George are ſtill revered 'among us—HE was the father of his people: 'and it was with extacy we ſaw his grandſon 'George the Third mount the throne poſſeſſed of 'the hearts of his ſubjects.

'BUT alas! Almoſt with the commencement 'of his reign, his ſubjects felt cauſes to complain 'of government. The reign advanced—the griev-'ances became more numerous and intolerable—

'the complaints more general and loud—the 'whole empire reſounded with the cries of in-'jured ſubjects! At length, grievances being un-'redreſſed and ever encreaſing; all patience being 'borne down; all hope deſtroyed; all confidence 'in royal government blaſted!—Behold! the em-'pire is rent from pole to pole!—perhaps to con-'tinue aſunder forever!

'THE catalogue of our oppreſſions, continen-'tal and local, is enormous. Of ſuch oppreſſions, 'I will mention only ſome of the moſt weighty.

'UNDER colour of law, the King and parlia-'ment of Great-Britain have made the moſt ar-'bitrary attempts to enſlave America;

'By claiming a right TO BIND THE COLO-'NIES, "IN ALL CASES WHATSOEVER;"

'By laying duties at their mere will and plea-'ſure upon all the colonies;

'By ſuſpending the legiſlature of New-York;

'By rendering the American charters of no 'validity, having annulled the moſt material parts 'of the charter of the Maſſachuſetts-Bay;

'By diveſting multitudes of the coloniſts of 'their property, without legal accuſation or trial;

'By depriving whole colonies of the bounty 'of Providence on their own proper coaſts; in 'order to coerce them by famine;

'By reſtricting the trade and commerce of 'America;

'By ſending to, and continuing in, America,

'in

'in time of peace, an armed force, without, and 'againſt, the conſent of the people;

'By granting impunity to a ſoldiery inſtigated 'to murder the Americans;

'By declaring, that the people of Maſſachu-'ſetts-Bay are liable for offences, or pretended 'offences, done in that colony, to be ſent to, and 'tried for the ſame in ENGLAND; or in any co-'LONY WHERE they cannot have the benefit of 'a jury of the vicinage;

'By eſtabliſhing in Quebec the Roman Catho-'lic religion, and an arbitrary government; in-'ſtead of the Proteſtant religion and a free go-'vernment.

'THE proceedings which I have enumerated, 'either immediately or in their evident conſe-'quences, deeply affected all the colonies: ruin 'ſtared them in the face. They united their 'counſels, and laid their juſt complaints before the 'throne, praying a redreſs of grievances. But, 'to their aſtoniſhment, their dutiful petition for 'peace and ſafety, was anſwered, only by an 'actual commencement of war and military de-'ſtruction!

'IN the mean-time, the Britiſh troops that had 'been peaceably received by the devoted inhabi-'tants of Boſton, as the troops of their ſovereign 'bound to protect them! fortified that town, to 'impriſon the inhabitants, and to hold that capi-'tal againſt the people to whom it belonged!

'And

'And the Britiſh rulers having determined to 'appeal from reaſon and juſtice, to violence and 'arms, a ſelect body of thoſe troops, being in 'the night ſuddenly and privately marched from 'Boſton—at Lexington, on the 19th day of April '1775, they, by ſurprize, drew the ſword of ci-'vil war, and plunged it into the breaſts of the 'Americans! Againſt this horrid injuſtice, the 'Almighty gave inſtant judgment: an handful of 'country militia badly armed, ſuddenly collected, 'and unconnectedly and irregularly brought up 'to repel the attack, diſcomfited the regular 'bands of the tyranny; they retreated, and night 'ſaved them from total ſlaughter.

'THUS forced to take up arms in our own de-'fence, America yet again moſt dutifully petiti-'oned the King, that he would "be pleaſed to "direct ſome mode, by which the united appli-"cations of his faithful coloniſts to the throne, "in preſence of their common councils, might "be improved into a happy and permanent re-"conciliation; and that in the mean time, mea-"ſures might be taken for preventing the further "deſtruction of the lives of his Majeſty's ſub-"jects:"—but it was in vain!—The petition on 'the part of millions, praying that the effuſion 'of blood might be STAYED, was not thought 'worthy of an anſwer! The nefarious war conti-'nued. The ruins of Charleſton, Falmouth and 'Norfolk, towns not conſtructed for offence or 'defence, mark the humane progreſs of the royal

'arms:

'arms: ſo the ruins of Carthage, Corinth and 'Numantium, proclaimed to the world that juſ-'tice was expelled the Roman ſenate!—On the 'other hand, the fortitude with which America 'has endured theſe civil and military outrages; 'the union of her people, as aſtoniſhing as un-'precedented, when we conſider their various 'manners and religious tenets; their diſtance 'from each other; their various and claſhing lo-'cal intereſts; their ſelf-denial; and their mira-'culous ſucceſs in the proſecution of the war: I 'ſay theſe things all demonſtrate that the Lord of 'Hoſts is on our ſide! So it is apparent, that the 'Almighty Conſtructor of the univerſe, having 'formed this continent of materials to compoſe 'a ſtate pre-eminent in the world, is now making 'uſe of the tyranny of the Britiſh rulers, as an 'inſtrument to faſhion and arrange thoſe materials 'for the end, for which, in his Wiſdom, he had 'formed them.

'In this enlightened age, humanity muſt be 'particularly ſhocked at a recital of ſuch vio-'lences; and it is ſcarce to be believed, that the 'Britiſh tyranny could entertain an idea of pro-'ceeding againſt America, by a train of more 'diſhonourable machinations. But, nothing leſs 'than abſolute proof has convinced us, that in 'the carrying on the conſpiracy againſt the rights 'of humanity, the tyranny is capable of attempt-'ing to perpetrate whatever is infamous.

'For

'For the little purpoſe of diſarming the impri-
'ſoned inhabitants of Boſton, the King's general,
'Gage, in the face of day, violated the publick
'faith by himſelf plighted; and in concert with
'other governors, and with John Stuart, he
'made every attempt to inſtigate the ſavage na-
'tions to war upon the ſouthern colonies, indiſ-
'criminately to maſſacre man, woman and child:
'the governors in general have demonſtrat-
'ed, that truth is not in them; they have en-
'veigled negroes from, and have armed them
'againſt their maſters; they have armed brother
'againſt brother—ſon againſt father!—Oh Al-
'mighty Director of the univerſe! What confi-
'dence can be put in a government ruling by
'ſuch engines, and upon ſuch principles of un-
'natural deſtruction!—A government, that on
'the 21ſt day of December laſt, made a law, ex
'poſt facto, to juſtify what had been done, not
'only without law, but in its nature unjuſt!—a
'law to make prize of all veſſels trading in, to,
'or from the United Colonies—a law to make
'ſlaves of the crews of ſuch veſſels, and to com-
'pel them to bear arms againſt their conſcience,
'their fathers, their bleeding country!—The
'world, ſo old as it is, heretofore had never
'heard of ſo atrocious a procedure: it has no
'parallel in the regiſters of tyranny.—But to
'proceed,

'The King's judges in this country refuſed to
'adminiſter juſtice; and the late governor lord
'William

'William Campbell, acting as the King's repre-
'ſentative for him and on his behalf, having en-
'deavoured to ſubvert the Conſtitution of this
'country, by breaking the original contract be-
'tween King and people, attacking the people by
'force of arms; having violated the fundamental
'laws; having carried off the great ſeal, and hav-
'ing withdrawn himſelf out of this colony, he
'abdicated the government.

'OPPRESSED by ſuch a variety of enormous
'injuries, continental and local, civil and milita-
'tary; and by divers other arbitrary and illegal
'courſes; all done and perpetrated by the aſſent,
'command or ſufferance, of the King of Great-
'Britain; the repreſentatives of South-Carolina
'in Congreſs aſſembled, found themſelves under
'an unavoidable neceſſity of eſtabliſhing a form
'of government, with powers legiſlative, execu-
'tive and judicial, for the good of the people;
'the origin and great end of all juſt government.
'——For this only end, the houſe of Brunſwick
'was called to rule over us.—Oh! agonizing
'reflection! that houſe ruled us with ſwords,
'fire and bayonets! The Britiſh government ope-
'rated only to our deſtruction. Nature cried
'aloud, ſelf-preſervation is the great law—we
'have but obeyed.

'IF I turn my thoughts to recollect in hiſtory,
'a change of government upon more cogent rea-
'ſons; I ſay, I know of no change upon princi-
'ples

'ples ſo provoking—compelling—juſtifiable. And 'in theſe reſpects, even the famous revolution in 'England in the year 1688, is much inferior.—'However, we need no better authority than 'that illuſtrious precedent; and I will therefore 'compare the cauſes of, and the law upon the 'two events.

'ON the ſeventh of February 1688, the lords 'and commons of England, in convention, com-'pleted the following reſolution:

"RESOLVED, that King James the Second "having endeavoured to ſubvert the conſtitution "of the kingdom, by breaking the original con-"tract between King and people; and, by the "advice of Jeſuits and other wicked perſons, "having violated the fundamental laws; and "having withdrawn himſelf out of this king-"dom; has abdicated the government, and that "the throne is thereby vacant."

'THAT famous reſolution deprived James of 'his crown; and became the foundation on which 'the throne of the preſent King of Great-Britain 'is built—it alſo ſupports the edifice of govern-'ment which we have erected.

'IN that reſolve, there are but three facts ſtat-'ed to have been done by James: I will point 'them out, and examine, whether thoſe facts will 'apply to the preſent King of Great-Britain, with

'regard

'regard to the operations of government, by him
'or his repreſentative, immediately or by conſe-
'quence affecting this colony.

'THE firſt fact is, the having endeavoured to
'ſubvert the conſtitution of the kingdom, by
'breaking the original contract.

'THE violation of the fundamental laws is the
'ſecond fact; and in ſupport of theſe two charges,
'the lords ſpiritual and temporal and commons,
'aſſembled at Weſtminſter on the 12th day of
'February 1688, declared that James was guil-
'ty;

"By aſſuming and exerciſing a power of diſ-
"penſing with, and ſuſpending of laws, and the
"execution of laws, without conſent of parlia-
"ment;

"By committing and proſecuting divers wor-
"thy prelates, for humbly petitioning to be ex-
"cuſed from concurring to the ſaid aſſumed
"power;

"By iſſuing and cauſing to be executed a com-
"miſſion, under the great ſeal, for erecting a
"court, called The Court of Commiſſioners for
"Eccleſiaſtical Cauſes;

"By levying money for and to the uſe of the
"crown, by pretence of prerogative, for other
"time, and in other manner, than the ſame was
"granted by parliament;

"By raiſing and keeping a ſtanding army with-

" in this kingdom in time of peace, without con-
" ſent of parliament; and quartering ſoldiers
" contrary to law;

" By cauſing ſeveral good ſubjects, being Pro-
" teſtants, to be diſarmed, at the ſame time
" when Papiſts were both armed and employed
" contrary to law;

" By violating the freedom of election of mem-
" bers to ſerve in parliament;

" By proſecutions in the court of King's bench,
" for matters and cauſes cognizable only in par-
" liament; and by divers other arbitrary and
" illegal courſes."

'THIS declaration, thus containing two points
'of criminality—breach of the original contract,
'and violation of fundamental laws—I am to diſ-
'tinguiſh one from the other.

'IN the firſt place then, it is laid down in the
'beſt law-authorities, that protection and ſubjec-
'tion are reciprocal; and that theſe reciprocal
'duties form the original contract between King
'and people. It therefore follows, that the ori-
'ginal contract was broken by James's conduct
'as above ſtated, which amounted to a not af-
'fording due protection to his people. And it is
'as clear that he violated the fundamental laws,
'by the ſuſpending of laws, and the execution
'of laws; by levying money; by violating the
'freedom of election of members to ſerve in par-
'liament; by keeping a ſtanding army in time of
'peace;

'peace; and by quartering ſoldiers contrary to 'law, and without conſent of parliament; which 'is as much as to ſay, that he did thoſe things 'without conſent of the legiſlative aſſembly, choſen 'by the PERSONAL ELECTION of that people, 'over whom ſuch doings were exerciſed.

'THESE points, reaſonings and concluſions, 'being ſettled in, deduced from, and eſtabliſhed 'upon parliamentary proceedings, and the beſt 'law-authorities, muſt ever remain unſhaken. 'I am now to undertake the diſagreeable taſk of 'examining, whether they will apply to the vio-'lences which have lighted up, and now feed the 'flames of civil war in America.

'JAMES the Second ſuſpended the operation 'of laws—George the Third cauſed the charter 'of the Maſſachuſetts-Bay to be in effect annihi-'lated; he ſuſpended the operation of the law 'which formed a legiſlature in New-York, veſt-'ing it with adequate powers; and thereby he 'cauſed the very ability of making laws in that 'colony to be ſuſpended.

'KING James levied money without the con-'ſent of the repreſentatives of the people called 'upon to pay it—King George has levied money 'upon America, not only without, but expreſsly 'againſt the conſent of the repreſentatives of the 'people in America.

'KING

'KING James violated the freedom of elec-
'tion of members to ſerve in parliament—King
'George, by his repreſentative lord William
'Campbell acting for him and on his behalf,
'broke through a fundamental law of this country,
'for the certain holding of general aſſemblies; and
'thereby, as far as in him lay, not only violat-
'ed, but annihilated the very ability of holding
'a general aſſembly.

'KING James, in time of peace, kept a ſtand-
'ing army in England, without conſent of the
'repreſentatives of the people among whom that
'army was kept—King George hath, in time of
'peace, invaded this continent with a large ſtand-
'ing army without the conſent, and he hath kept
'it within this continent, expreſsly againſt the
'conſent of the repreſentatives of the people,
'among whom the army is poſted.

'ALL which doings by King George the Third,
'reſpecting America, are as much contrary to
'our intereſts and welfare; as much againſt law,
'and tend as much, at leaſt, to ſubvert and ex-
'tirpate the liberties of this colony, and of Ame-
'rica; as the ſimilar proceedings by James the
'Second operated reſpecting the people of Eng-
'land. For the ſame principle of law touching
'the premiſes, equally applies to the people of
'England in the one caſe, and to the people of
'America in the other. And this is the great
'principle. Certain acts done, over and affect-
'ing

'ing a people, againſt and without THEIR CON-
'SENT expreſſed by THEMSELVES, or by REPRE-
'SENTATIVES of their OWN ELECTION.—Upon
'this only principle was grounded the complaints
'of the people of England—upon the ſame is
'grounded the complaints of the people of Ame-
'rica. And hence it clearly follows, that if James
'the Second violated the fundamental laws of
'England, George the Third hath alſo violated
'the fundamental laws of America.

'AGAIN:

'KING James broke the original contract, by
'not affording due protection to his ſubjects, al-
'though he was not charged with having ſeized
'their towns, and with having held them againſt
'the people—or with having laid them in ruins
'by his arms—or with having ſeized their veſſels
'—or with having purſued the people with fire
'and ſword—or with having declared them rebels,
'for reſiſting his arms levelled to deſtroy their
'lives, liberties and properties—But George the
'Third hath done all thoſe things againſt Ame-
'rica; and it is therefore undeniable, that he
'hath not afforded due protection to the people.
'Wherefore, if James the Second broke the ori-
'ginal contract, it is undeniable that George the
'Third has alſo broken the original contract be-
'tween King and people; and that he made uſe
'of the moſt violent meaſures by which it could
'be done—Violences, of which JAMES was
'GUILTLESS—Meaſures, carrying conflagration,
maſſacre

'maſſacre and open war amidſt a people, whoſe 'ſubjection to the King of Great-Britain, the 'law holds to be due, only as a return for pro-'tection. And ſo tenacious and clear is the law 'upon this very principle, that it is laid down, 'ſubjection is not due even to a King de jure or 'of right, unleſs he be alſo King de facto or in 'poſſeſſion of the executive powers diſpenſing 'protection.

'AGAIN: The third fact charged againſt James, 'is, that he withdrew himſelf out of the kingdom: 'And we know that the people of this country 'have declared, that lord William Campbell, the 'King of Great-Britain's repreſentative, "hav-"ing uſed his utmoſt efforts to deſtroy the lives, "liberties and properties of the good people here, "whom by the duty of his ſtation he was bound "to protect, withdrew himſelf out of the colo-"ny."—Hence it will appear, that George the 'Third hath withdrawn himſelf out of this colo-'ny, provided it be eſtabliſhed, that exactly the 'ſame natural conſequence reſulted from the 'withdrawing in each caſe reſpectively: King 'James perſonally out of England, and King 'George out of Carolina, by the agency of his 'ſubſtitute and repreſentative lord William Camp-'bell.—By King James's withdrawing, the exe-'cutive magiſtrate was gone, thereby, in the eye 'of the law, the executive magiſtrate was dead, 'and of conſequence royal government actually 'ceaſed in England—So by King George's repre-

'ſentative's

'ſentative's withdrawing, the executive magiſtrate 'was gone, the death in law became apparent, 'and of conſequence royal government actually 'ceaſed in this colony. Lord William withdrew 'as the King's repreſentative, carrying off the 'great ſeal and royal inſtructions to governors, 'and acting for and on the part of his principal, 'by every conſtruction of law, that conduct be-'came the conduct of his principal; and thus, 'James the Second withdrew out of England; 'and George the Third withdrew out of South-'Carolina; and by ſuch a conduct reſpectively, 'the people in each country were exactly in the 'ſame degree injured.

'THE three facts againſt King James being 'thus ſtated and compared with ſimilar proceed-'ings by King George, we are now to aſcertain 'the reſult of the injuries done by the firſt, and 'the law upon that point; which, being aſcer-'tained, muſt naturally conſtitute the judgment 'in law, upon the reſult of the ſimilar injuries 'done by the laſt: and I am happy that I can 'give you the beſt authority upon this important 'point.

'TREATING upon this great precedent in con-'ſtitutional law, the learned judge Blackſtone 'declares, that the reſult of the facts "amounted "to an abdication of the government, which "abdication did not affect only the perſon of "the King himſelf, but alſo all his heirs; and

"rendered

" rendered the throne abſolutely and completely " vacant." Thus it clearly appears, that the go-
' vernment was not abdicated, and the throne
' vacated, by the reſolution of the lords and com-
' mons; but, that the reſolution was only decla-
' ratory of the law of nature and reaſon, upon
' the reſult of the injuries proceeding from the
' three combined facts of mal-adminiſtration.—
' And thus, as I have on the foot of the beſt au-
' thorities made it evident, that George the Third,
' King of Great-Britain, has endeavoured to ſub-
' vert the conſtitution of this country, by break-
' ing the original contract between King and
' people; by the advice of wicked perſons has
' violated the fundamental laws; and has with-
' drawn himſelf by withdrawing the conſtitutional
' benefits of the kingly office, and his protection
' out of this country: from ſuch a reſult of in-
' juries, from ſuch a conjuncture of circum-
' ſtances—the law of the land authorizes me to
' declare, and it is my duty boldly to declare the
' law, that George the Third, King of Great-
' Britain, has abdicated the government, and that
' the throne is thereby vacant; that is, HE HAS
' NO AUTHORITY OVER US, and WE OWE NO
' OBEDIENCE TO HIM.——The Britiſh miniſters
' already have preſented a charge of mine to the
' notice of the lords and commons in parliament;
' and I am nothing loath that they take equal
' reſentment againſt this charge. For, ſupported
' by the fundamental laws of the conſtitution,
' and engaged as I am in the cauſe of virtue—

' I fear

'I fear no conſequences from their machinations.

'THUS, having ſtated the principal cauſes of 'our laſt revolution, it is as clear as the ſun in the 'meridian, that George the Third has injured 'the Americans, at leaſt as grievouſly as James 'the Second injured the people of England; but 'that James did not oppreſs theſe in ſo criminal 'a manner as George has oppreſſed the Ameri-'cans. Having alſo ſtated the law on the caſe, I 'am naturally led to point out to you, ſome of 'the great benefits reſulting from that revolution.

'IN one word, then, you have a form of go-'vernment in every reſpect preferable to the mode 'under the Britiſh authority; and this will moſt 'clearly appear by contraſting the two forms of 'government.

'UNDER the Britiſh authority governors were 'ſent over to us, who were utterly unacquainted 'with our local intereſts, the genius of the peo-'ple, and our laws; generally they were but too 'much diſpoſed to obey the mandates of an arbi-'trary miniſter; and if the governor behaved ill, 'we could not by any peaceable means procure 'redreſs.—But, under our preſent happy conſti-'tution, our executive magiſtrate ariſes according 'to the ſpirit and letter of Holy Writ—"their "governors ſhall proceed from the midſt of "them." Thus, the people have an opportunity 'of chooſing a man intimately acquainted with

'their true intereſts, their genius, and their laws;
'a man perfectly diſpoſed to defend them againſt
'arbitrary miniſters; and to promote the happi-
'neſs of that people from among whom he was
'elevated; and by whom, without the leaſt diffi-
'culty, he may be removed and blended in the
'common maſs.

'AGAIN: Under the Britiſh authority it was
'in effect declared, that we had no property;
'nay, that we could not poſſeſs any; and that
'we had not any of the rights of humanity. For
'men who knew us not, men who gained in pro-
'portion as we loſt, arrogated to themſelves a
'right TO BIND US IN ALL CASES WHATSOE-
'VER!—But our conſtitution is calculated to
'FREE us from foreign bondage; to ſecure to
'us our property; to maintain to us the rights
'of humanity; and to defend us and our poſteri-
'ty, againſt Britiſh authority, aiming to reduce
'us to the moſt abject ſlavery!

'AGAIN: The Britiſh authority declared, that
'we ſhould not erect ſlitting-mills—and, to this
'unjuſt law, we implicitly and reſpectfully ſub-
'mitted ſo long, as with ſafety to our lives we
'could yield obedience to ſuch authority—but a
'reſolution of Congreſs now grants a premium
'to encourage the conſtruction of ſuch mills.
'The Britiſh authority diſcouraged our attempt-
'ing to manufacture for our own conſumption—
'but the new conſtitution, by authorizing the

'diſburſement

'diſburſement of large ſums of money by way 'of loan, or premium, encourages the making 'of iron, bar-ſteel, nail-rods, gun-locks, gun-'barrels, ſulphur, nitre, gun-powder, lead, wool-'lens, cottons, linens, paper and ſalt.

'UPON the whole, it has been the policy of the 'Britiſh authority, to oblige us to ſupply our 'wants at their market, which is the deareſt in 'the known world; and to cramp and confine 'our trade ſo as to be ſubſervient to their com-'merce, our real intereſt being ever out of the 'queſtion.—On the other hand the new conſti-'tution is wiſely adapted to enable us to trade 'with foreign nations, and thereby to ſupply our 'wants at the cheapeſt markets in the univerſe; 'to extend our trade infinitely beyond what it 'has ever been known; to encourage manufac-'turers among us; and it is peculiarly formed 'to promote the happineſs of the people, from 'among whom, by virtue and merit, THE POOR-'EST MAN may arrive at THE HIGHEST DIGNI-'TY.—Oh Carolinians! happy would you be 'under this new conſtitution, if you knew your 'happy ſtate.

'POSSESSED of a conſtitution of government, 'founded upon ſo generous, equal and natural a 'principle,—a government expreſsly calculated 'to make the people rich, powerful, virtuous and 'happy, who can wiſh to change it, to return 'under a royal government; the vital principles

'of

'of which, are the reverſe in every particular! It 'was my duty to lay this happy conſtitution be-'fore you, in its genuine light—it is your duty 'to underſtand—to inſtruct others—and to de-'fend it.

'I might here, with propriety, quit this truly 'important ſubject, but my anxiety for the pub-'lick weal, compels me yet to detain your atten-'tion, while I make an obſervation or two, upon 'one particular part of the conſtitution.

'When all the various attempts to enſlave 'America, by fraud under guiſe of law; by mi-'litary threats; by famine; maſſacre; breach of 'publick faith, and open war: I ſay, when theſe 'things are conſidered on the one hand—and on 'the other, the conſtitution, expreſſing that ſome 'mode of government ſhould be eſtabliſhed, "until an accommodation of the unhappy diffe-"rences between Great-Britain and America can "be obtained—an event which, though traduced "and treated as rebels, we ſtill ardently deſire:" 'I ſay, when theſe two points are contraſted, can 'we avoid revering the magnanimity of that great 'council of the ſtate, who, after ſuch injuries, 'could entertain ſuch a principle!—But the vir-'tuous are ever generous: we do not wiſh re-'venge: we earneſtly wiſh an accommodation of 'our unhappy diſputes with Great-Britain; for 'we prefer peace to war.—Nay, there may be 'even ſuch an accommodation, as, excluding every

'idea

'idea of revenue by taxation or duty, or of legiſ-
'lation, by act of parliament, may veſt the King
'of Great-Britain with ſuch a limited dominion
'over us, as may tend, bona fide, to promote our
'true commercial intereſts, and to ſecure our free-
'dom and ſafety—the only juſt ends of any do-
'minion. But, while I declare thus much on the
'one ſide, on the other it is my duty alſo to de-
'clare, that in my opinion our true commercial
'intereſts cannot be provided for, but by ſuch a
'material alteration of the Britiſh acts of naviga-
'tion, as, according to the reſolve of the honoura-
'ble the continental Congreſs, "will ſecure the
"commercial advantages of the whole empire to
"the mother country, and the commercial benefits
"of its reſpective members." And that our li-
'berties and ſafety cannot be depended upon, if
'the King of Great-Britain ſhould be allowed to
'hold our forts and cannon; or to have autho-
'rity over a ſingle regiment in America; or a
'ſingle ſhip of war in our ports.—For if he holds
'our forts, he may turn them againſt us, as he
'did Boſton againſt her proprietors: if he ac-
'quires our cannon, he will effectually diſarm
'the colony: if he has a command of troops
'among us, even if we raiſe and pay them, ſhac-
'kles are fixed upon us—witneſs Ireland and her
'national army. The moſt expreſs act of par-
'liament cannot give us ſecurity; for acts of
'parliament are as eaſily repealed as made. Royal
'proclamations are not to be depended upon;
'witneſs the diſappointments of the inhabitants

'of

'of Quebec and St. Auguſtine. Even a change
'of miniſtry will not avail us, becauſe, notwith-
'ſtanding the rapid ſucceſſion of miniſters, for
'which the Britiſh court has been famous during
'the preſent reign, yet the ſame ruinous policy
'ever continued to prevail againſt America.—In
'ſhort, I think it my duty to declare in the awful
'ſeat of juſtice, and before Almighty God, that,
'in my opinion, the Americans can have no ſafety
'but by the Divine Favour, their own virtue,
'and their being ſo prudent as NOT TO LEAVE
'IT IN THE POWER OF THE BRITISH RULERS
'TO INJURE THEM. Indeed the ruinous and
'deadly injuries received on our ſide, and the
'jealouſies entertained, and which, in the nature
'of things, muſt daily encreaſe againſt us on the
'other; demonſtrate to a mind, in the leaſt given
'to reflection upon the riſe and fall of empires,
'that true reconcilement never can exiſt between
'Great-Britain and America, the latter being in
'ſubjection to the former.—The Almighty cre-
'ated America to be independent of Britain: let
'us beware of the impiety of being backward to
'act as inſtruments in the Almighty Hand, now
'extended to accompliſh his purpoſe; and by
'the completion of which alone, America, in the
'nature of human affairs, can be ſecure againſt
'the craft and inſidious deſigns of HER ENE-
'MIES, WHO THINK HER PROSPERITY AND
'POWER ALREADY BY FAR TOO GREAT.
'In a word, our piety and political ſafety are ſo
'blended, that to refuſe our labours in this divine
'work,

'work, is to refuſe to be a great, a free, a pious
'and a happy people!

'AND now, having left the important alterna-
'tive, political happineſs or wretchedneſs, under
'GOD, in a great degree in your own hands; I
'pray the Supreme Arbiter of the affairs of men,
'ſo to direct your judgment, as that you may act
'agreeably to what ſeems to be his will, revealed
'in his miraculous works in behalf of America,
'bleeding at the altar of liberty!'

THE ſentiments contained in this charge, from the bench of juſtice, were re-echoed from the grand-juries in the different diſtricts. [n] This firſt general aſſembly, agreeably to the conſtitution they had framed, was diſſolved on the 21ſt of October of the ſame year, and a general election for members of legiſlature was immediately held throughout the ſtate. Such was the union of the people, and ſo general their acquieſcence in the meaſures adopted by their repreſentatives, that the former members were almoſt univerſally returned. The new aſſembly met on the 6th of December 1776, and, in a few days after, rechoſe the former preſident and vice-preſident. The government had energy, and was cheerfully obeyed. So much tranquility reigned in every part of South-Carolina, that, after the departure of the Britiſh fleet and army in July, and the termination of the Cherokee expedition in October

[n] See note XIII.

tober 1776, events which ſhall hereafter be more particularly explained, the bulk of the people were ſcarcely ſenſible of any revolution, or that the country was at war.

THE policy of the rulers in departing as little as poſſible from ancient forms and names, made the change of ſovereignty leſs perceptible. The inhabitants had long been in the habit of receiving laws from a general aſſembly and council. The adminiſtration of the government in times paſt, on the demiſe of the governor, had been uniformly committed to one of the council, under the title of preſident. The people felt themſelves ſecure in their perſons and properties, and experienced all the advantages of law and government. Theſe benefits were communicated under old names, though derived from a new ſovereignty. Their ancient laws and cuſtoms were generally retained. The kingly office was dropped, and the revolution took place without any violence or convulſion.

SOUTH-CAROLINA was the firſt of the United Colonies that formed an independent conſtitution; but as this was done on temporary principles, the declaration of independence by the continental Congreſs, which took place on the 4th of July 1776, made it neceſſary to new model that temporary form of government, ſo as to accommodate it to that great event. So unlimited was the confidence which the inhabitants repoſed in their

repreſentatives,

repreſentatives, that they entruſted the ſame body of men with the power of reviſing the conſtitution, as well as that of enacting laws. The elections in every part of the ſtate were conducted on the idea that the members choſen, over and above the ordinary powers of legiſlators, ſhould have the power to frame a new conſtitution ſuited to the declared independence of the ſtate. Authorized in this manner, the legiſlature, in January 1777, began the important buſineſs of framing a permanent form of government. The generous confidence repoſed in the elected by the electors, met with a ſuitable return of fidelity on their part. Inſtead of increaſing their own powers as legiſlators, they diminiſhed thoſe of which they were in poſſeſſion by the temporary conſtitution, and extended the privileges of their conſtituents: nor did they proceed to give a final ſanction to their deliberations on the ſubject of the conſtitution, till they had ſubmitted them for the ſpace of a year to the conſideration of the people at large. From the general approbation of the inhabitants, the new conſtitution received all the authority which could have been conferred on the proceedings of a convention expreſsly delegated for the excluſive purpoſe of framing a form of government. The temporary conſtitution, ratified in March 1776, differs from that which was framed in 1777 and 1778 in the following particulars. By the laſt the appellation of the country was changed from colony to ſtate, and of the chief magiſtrate from preſident to

governor. A rotation was alſo eſtabliſhed in the offices of governor, privy-councillor, ſheriff, treaſurer, ſecretary of the ſtate, regiſter of meſne conveyances, attorney-general, ſurveyor-general, powder-receiver, collectors and comptrollers of the cuſtoms, ſo that in the firſt three offices no one perſon can ſerve more than two years out of ſix, and in all the following ones no more than four years out of eight. And the legiſlative authority was reduced from three to two branches. Inſtead of the legiſlative-council, appointed by the conſtitution of 1776, to be choſen by the repreſentatives of the people out of their own body, a ſenate, conſiſting of twenty-eight members, each upwards of thirty years of age, to be elected by the people in their reſpective pariſhes and diſtricts, was, by the conſtitution of 1778, conſtituted a branch of legiſlature. The oath preſcribed by the temporary conſtitution of 1776, to be taken by all perſons choſen or appointed to any office, or to any place of truſt, before entering on the execution of office, was in the following words: 'I A. B. do ſwear that I will, to 'the utmoſt of my power, ſupport, maintain and 'defend the conſtitution of South-Carolina as 'eſtabliſhed by Congreſs on the 26th of March '1776, until an accommodation of the differences 'between Great-Britain and America ſhall take 'place, or I ſhall be releaſed from this oath by 'the legiſlative authority of the ſaid colony.' But by the permanent conſtitution, eſtabliſhed after

after the declaration of independence, it was made neceſſary for all publick officers, before entering on the execution of their offices, to take an oath in the following words: 'I A. B. do acknowledge the ſtate of South-Carolina to be a free, independent and ſovereign ſtate; and that the people thereof owe no allegiance or obedience to George the Third, King of Great-Britain. And I do renounce, refuſe and abjure any allegiance or obedience to him; and I do ſwear (or affirm) that I will, to the utmoſt of my power, ſupport, maintain and defend the ſaid ſtate againſt the ſaid King George the Third, his heirs and ſucceſſors, and his or their abettors, aſſiſtants and adherents.'

THE conſtitution of 1776 was ſilent on the ſubject of religious eſtabliſhment, but that of 1778 aboliſhed every trace of ſuperiority which had before elevated any one denomination above another, and put all ſects of Proteſtants on the footing of moſt perfect equality. It held forth toleration to all men who believed in a Deity, and ordained a nominal eſtabliſhment of the Proteſtant religion, but left the clergy of all denominations without any publick ſupport, to be maintained by the voluntary contributions of their adherents.

THE new conſtitution having been approved of by both the deliberative branches of legiſlature, and alſo having gained the implied conſent of the people,

people, the general aſſembly and legiſlative-council proceeded in March 1778 to give it a final ſanction in the form of a law. To this end they preſented it to preſident Rutledge for his aſſent. By virtue of the negative power delegated to him by the temporary conſtitution, he refuſed to paſs it. He gave reaſons for his refuſal in the following ſpeech, addreſſed to both houſes:

'Honourable gentlemen of the legiſlative-council,
'Mr. Speaker, and gentlemen of the general
'aſſembly,

'YOUR preſenting a bill which I am under the 'abſolute neceſſity of rejecting, gives me infinite 'concern, as I have very great deference for your 'opinion. But I ſhould betray the important 'truſt repoſed in me, and be utterly unworthy of 'the publick confidence, if any conſideration could 'induce me to ſubmit my own judgment upon this 'occaſion to that of others however reſpectable.

'HAVING thoroughly revolved the matter, I 'think myſelf bound to refuſe aſſent to this bill; 'and, being reſponſible for the faithful diſcharge 'of my duty, to declare the reaſons for ſuch 'refuſal.

'I have taken an oath to preſide over the peo- 'ple of this ſtate, according to the conſtitution 'or form of government agreed to and reſolved 'upon by the repreſentatives of South-Carolina

'in

'in March 1776; it is therefore impoſſible for 'me, without breach of this ſolemn obligation, 'to give my ſanction to the eſtabliſhment of a 'different mode of government. But if I were 'not reſtrained by an oath, I ſhould nevertheleſs 'put a negative on the bill, becauſe it annihilates 'one branch of the legiſlature, and transfers the 'right of electing another branch from the ge-'neral aſſembly to the people; and nothing is 'clearer to me than that we have not lawful 'power ſo to do. For, on the late diſſolution 'of government, the people, being at liberty to 'chooſe what form they pleaſed, agreed to one 'veſting an authority for making the laws by 'which they were to be bound in three branches, 'and committed it to the care of the ſeveral 'branches, not to be violated or infringed, but 'to be preſerved as a ſacred depoſite, as that ſe-'curity of their lives, liberties and properties, 'which, after mature deliberation, they deemed 'it wiſeſt to provide. The legiſlative authority, 'being fixed and limited, cannot change or de-'ſtroy itſelf without ſubverting the conſtitution 'from which it is derived. The people by that 'delegated to us a power of making laws, not of 'creating legiſlators; and there can be no doubt 'that if we have authority to take the right of 'electing a legiſlative-council from that body in 'which the conſtitution placed it, and give it to 'another, we may not only do the like with the 'right of electing members of aſſembly, and a 'preſident, but veſt the election of both the aſ-

'ſembly

'ſembly and council in any other body inſtead of
'the people, and the election of a preſident in
'ſome other body than the council and aſſembly;
'and that if we have power to lop one branch
'of the legiſlature, we may cut off either of the
'other branches, and ſuffer the legiſlative autho-
'rity to be exerciſed by the remaining branch
'only, or aboliſh the third alſo, and inveſt the
'whole authority in ſome other perſon or body.
'Nor is it chimerical to ſuppoſe that ſuch infrac-
'tions may be attempted by others, ſince viola-
'tions ſimilar to theſe have been committed. We
'know that one of the houſes of parliament voted
'the other houſe uſeleſs and dangerous, and that
'it ought to be aboliſhed—That publick bodies,
'elected and eligible by the people, have wreſted
'the right of election from their conſtituents,
'filling up vacancies, which the deaths of mem-
'bers occaſioned, by their own choice—That
'an Engliſh parliament enacted a law empower-
'ing the King, for the time being, with advice
'of the major part of his council, to ſet forth
'proclamations under ſuch pains and penalties as
'to him and them ſhould ſeem neceſſary, and
'declaring that thoſe proclamations ſhould be
'obſerved as though they were made by act of
'parliament—That offenders againſt them ſhould
'be liable to the forfeitures and impriſonments
'therein expreſſed, and adjudged traitors if they
'ſhould quit the realm to avoid anſwering their
'offence—That a Britiſh triennial parliament
'conſtituted itſelf, and ſucceeding parliaments
ſeptennial;

'ſeptennial; and though frequent elections are 'evidently for the benefit of the people, they 'have ſtrove in vain for upwards of half a cen-'tury to abridge the time of their parliament's 'duration. In ſhort, we know that freedom is 'totally extinct in many nations whoſe greateſt 'glory it was for ages, by the people's having 'ſurrendered every privilege, and become ſlaves 'to deſpotiſm. Experience therefore teaches, 'that it is the indiſpenſible duty of every lover 'of his country to adhere inflexibly to its con-'ſtitution, not admitting any innovation of it, 'though ſpecious and plauſible, leſt the firſt 'making way for others, they ruſh forward like 'an impetuous torrent, bearing down all before it.

'SUPPOSING however that we had power to 'form a new conſtitution, I apprehend that the 'cauſes aſſigned for it are altogether inſufficient. 'The bill recites, "that the preſent was tempo-"rary only, and ſuited to the ſituation of publick "affairs when it was reſolved on, looking for-"ward to an accommodation with Great-Britain, "an event then deſired. But that the United "Colonies have ſince been conſtituted indepen-"dent ſtates by the declaration of the honourable "continental Congreſs, and it is therefore be-"come abſolutely neceſſary to frame a conſtitu-"tion ſuited to that great event." Admitting 'our form of government to be temporary, it is 'to continue until that accommodation ſhall take 'place, until peace between Great-Britain and

'America

'America ſhall be concluded, though I do not
'hold that it muſt then be altered, and think it
'ſhould not, unleſs a better can be deviſed. We
'ſtill look forward to ſuch accommodation, an
'event as deſirable now as it ever was, ſo that
'the ſituation of publick affairs is in this reſpect
'the ſame as when the conſtitution was eſtabliſh-
'ed; and though indeed, ſince the declaration
'of independence, the ſtyle of this country is
'ſomewhat altered, having been heretofore one
'of the United Colonies, and being now one of
'the United States of America; yet it exerciſed,
'and conſtitutionally, the ſame ſupreme power
'before as it has ſince that period. Such decla-
'ration therefore cannot make it neceſſary to
'change the form of government, nor can I
'conceive any reaſon which does. The good of
'the people being the end of government, that
'is the beſt form under which they are happieſt;
'they being the fitteſt judges of what would be
'moſt productive of their happineſs, preferred
'the preſent mode of electing a legiſlative-council
'to that which is offered for electing a ſenate,
'probably becauſe it appeared more likely that
'perſons of the greateſt integrity, learning and
'abilities, would be choſen by and from amongſt
'their repreſentatives when aſſembled, than by
'electors in their ſeveral pariſhes and diſtricts;
'and it may have ſeemed incongruous, that there
'ſhould be two repreſentative bodies, the leſs
'controling the greater. The people alſo pre-
'ferred a compounded or mixed government to

'a ſimple

'a ſimple democracy, or one verging towards it, 'perhaps becauſe, however unexceptionable de- 'mocratic power may appear at the firſt view, its 'effects have been found arbitrary, ſevere and 'deſtructive. Certain it is that ſyſtems, which, 'in theory have been much admired, on trial 'have not ſucceeded; and that projects and ex- 'periments relative to government are of all 'ſchemes the moſt dangerous and fatal. The 'people having adopted ſuch a conſtitution as 'ſeemed to them moſt perfect, when it is not 'even ſurmiſed that any grievance or inconve- 'nience has ariſen from it, and when they are 'ſatisfied with and happy under it, (which I firm- 'ly believe they are) if we had authority I ſhould 'conceive it neither politic, expedient or juſti- 'fiable to change this form for another, eſpecially 'as I think that the one propoſed will not be bet- 'ter than, or ſo good as, what we now enjoy; and 'whether it would or not, is a ſpeculative point 'which time only can determine.

'THUS I have ſhewn that it is not in my power 'to agree to this bill, and why, if it were, I 'ſhould not.

'I AM not ſo vain as to imagine that what I 'have ſaid can influence your minds in a matter 'which has been ſo lately the ſubject of debate. 'But having delivered my ſincere and real ſenti- 'ments (with a freedom which I hope is neither 'unbecoming or offenſive) I confide in your can-

'dour to regard them as ſuch. And now I think 'proper to reſign the office of preſident and com-'mander in chief of this ſtate. I do accordingly 'reſign it into your hands, and requeſt that you 'will accept this reſignation, and elect ſome per-'ſon to it in my ſtead.'

THE reſignation of preſident Rutledge being accepted, the legiſlative bodies proceeded to elect his ſucceſſor. A majority of their ſuffrages in the firſt inſtance were in favour of the honourable A. Middleton. On account of difficulties that ſtood in the way of his paſſing the new conſtitution, he declined acceptance of the office. The honourable Rawlins Lowndes was ſoon after elected, and on the 19th of March 1778 he gave his aſſent to the new conſtitution, which, from that time to the preſent, has been the uniform rule of government.

EXCEPTING in the particulars in which a difference has already been ſtated, the two conſtitutions are nearly the ſame. They both agreed in this fundamental point, that the voice of the people was the ſource of law, honour and office. Criminal proſecutions which were formerly carried on in the name of the King, were from that æra carried on in the name of the ſtate. The ſame offices, with nearly the ſame duties and powers that had exiſted under the royal government, were continued under the popular eſtabliſhment, but with this difference, that the officers

obtained

obtained their places by the vote of the legiſlature, and not from the appointment of the crown. The majeſty of the people took the place that had formerly been occupied by the kingly office. By this ſubſtitution a change of government was eaſily and almoſt inſenſibly effected.

CHAPTER

CHAPTER FIFTH.

Of the attack of the fort on Sullivan's iſland, by ſir Peter Parker and ſir Henry Clinton.

SOON after a regular form of government was adopted, a formidable attack from Great-Britain gave an opportunity of aſcertaining its energy. Governor Campbell, from the time of his abandoning the province, had been aſſiduous in his attempts to procure a military force to reduce it to obedience. He repreſented the friends of royal authority as needing only the countenance of a ſmall military force, to give them an opportunity of embodying for the eſtabliſhment of Britiſh government—that Charleſton might be eaſily reduced—and that the reduction of it would reſtore the province to its former tranquility: crown officers, and their friends the royaliſts, aſſociating chiefly with one another, and not knowing, or not believing the numbers, the reſources, nor the enthuſiaſm of the oppoſite party, deceived themſelves, and communicated their deluſions to the rulers in Great-Britain.

IN the cloſe of the year 1775, and the beginning of the year 1776, great preparations had been made in Great-Britain to invade the American colonies, with a force ſufficient to compel ſubmiſſion.—With this view, early in 1776, upwards of fifty thouſand men were employed in active operations againſt America. Part of this force

force was ordered to the ſouthward, to carry into effect in that quarter the deſigns of the Britiſh miniſtry. While Great-Britain was preparing to invade her colonies, they were equally aſſiduous in their endeavours to be ready to repel the invaſion. In South-Carolina particularly, every exertion had been made to put the province, and eſpecially its capital, in a reſpectable poſture of defence. As one mean conducing thereto, the popular leaders had erected works on Sullivan's iſland. This is ſituated about ſix miles nearer the ſea than that neck of land between Aſhley and Cooper rivers, on which Charleſton ſtands, and is ſo near the channel as to be a very convenient poſt for annoying ſhips approaching the town. At the time the Britiſh fleet appeared off the coaſt, about twenty-ſix heavy cannon, twenty-ſix, eighteen and nine-pounders were mounted at Sullivan's iſland, on a fort conſtructed with palmetto. This is a tree peculiar to the ſouthern ſtates, which grows from twenty to forty feet high without branches, and then terminates in ſomething reſembling the head of a cabbage. The wood of it is remarkably ſpongy. A bullet entering it makes no extended fracture, but buries itſelf without injuring the parts adjacent.

On the firſt of June 1776, advices were received in Charleſton, that a fleet of forty or fifty ſail were at anchor about ſix leagues to the northward of Sullivan's iſland. The next day the alarm was fired, and expreſſes ſent to the officers

commanding

commanding the militia in the country, to repair, with the forces under their reſpective commands, to the immediate defence of the capital. In a few days after ſeveral hundreds of the troops from the Britiſh fleet were landed on Long-Iſland. This is ſituated to the eaſtward of Sullivan's iſland, and ſeparated from it by a creek. On the fourth of June thirty-ſix of the tranſports croſſed the bar, in front of Rebellion road, and anchored about three miles from Sullivan's iſland; two of them ran aground in croſſing, one of which got off, but the other went to pieces. On the 10th of June the Briſtol, a fifty-gun ſhip, her guns being previouſly taken out, got ſafely over. About this time a proclamation was ſent aſhore, under the ſanction of a flag, in which the Britiſh general, ſir Henry Clinton, promiſed pardon to the inhabitants, in caſe of their laying down their arms, and quietly ſubmitting to the re-eſtabliſhment of royal government. * This produced none of the effects expected from it. The militia of the country very generally obeyed the ſummons of preſident Rutledge, and repaired in great numbers to Charleſton. The regular regiments of the adjacent northern ſtates, having been ordered to the aſſiſtance of their ſouthern neighbours, arrived at this critical juncture. The two continental general officers, Armſtrong and Howe, came about the ſame time. The whole were put under the orders of major-general Lee, who was appointed to the immediate command of all the forces

* See note XIV.

forces in the ſouthern ſtates. The great opinion which was every where entertained of the ability and experience of general Lee, added to the ſpirits of the troops and inhabitants. In a few days the Americans, including the militia of the town and country, amounted to five or ſix thouſand men. The firſt South-Carolina regular regiment, commanded by colonel Gadſden, was ſtationed at fort Johnſon. This is ſituated about three miles from Charleſton, on the moſt northerly point of James iſland, and is within point blank ſhot of the channel. The ſecond and third regular regiments of South-Carolina, commanded by colonels Moultrie and Thompſon, occupied the two extremities of Sullivan's iſland. The other forces had their poſts aſſigned them at Haddrell's point, James iſland, and along the bay in front of the town. The ſtreets near the water were in different places ſtrongly barricaded. The ſtores on the wharves, though immenſely valuable, were pulled down, and lines of defence were continued along the water's edge. Domeſtick conveniencies were exchanged for blankets and knapſacks; and hoes and ſpades were in the hands of every citizen. In a few days by their labour, in conjunction with a number of negroes ordered down from the country, ſuch obſtructions were thrown in the way as would have greatly embarraſſed the royal army attempting to land in the town.

General Lee propoſed to preſident Rutledge to bind the militia by the formality of an oath. Though

Though there was no law for this, yet ſo great was the ardour of the people that only two of their number refuſed.

On the 25th the Experiment, a fifty-gun ſhip, arrived near the bar, and on the 26th, her guns being previouſly taken out, ſhe got ſafely over.

On the 28th the fort on the iſland was briſkly attacked by the two fifty-gun ſhips, Briſtol and Experiment, four frigates, the Active, Acteon, Solebay, Syren, each of twenty-eight guns, the Sphynx of twenty guns, the Friendſhip armed veſſel of twenty-two guns, Ranger ſloop and Thunder-Bomb, each of eight guns. Between ten and eleven o'clock in the forenoon the Thunder-Bomb began to throw ſhells. The Active, Briſtol, Experiment and Solebay, came boldly on to the attack. A little before eleven o'clock the garriſon fired four or five ſhot at the Active while under ſail. When ſhe came near the fort ſhe dropped anchor, and poured in a broad-ſide. Her example was followed by the three other veſſels, and a moſt tremendous cannonade enſued. The Thunder-Bomb, after having thrown about ſixty ſhells, was ſo damaged as to be incapacitated from firing. Colonel Moultrie, with three hundred and forty-four regulars, and a few volunteer militia, made a defence that would have done honour to experienced veterans. The unanimous thanks of Congreſs were given to general Lee, and colonels Moultrie and Thomſon

ſon for their good conduct on this memorable day. [p] In compliment to the commanding officer the fort from that time was called Fort Moultrie. During the engagement the inhabitants ſtood with arms in their hands at their reſpective poſts, prepared to receive the Britiſh where-ever they might land. Impreſſed with high ideas of Britiſh bravery, and diffident of the maiden courage of their own new troops, they were apprehenſive that the forts would either be ſilenced or paſſed, and that they ſhould be called to immediate action. The various paſſions of the mind aſſumed alternate ſway, and marked their countenances with anxious fears or cheerful hopes. Their reſolution was fixed to meet the invaders at the water's edge, and diſpute every inch of ground, truſting the event to Heaven, and preferring death to ſlavery.

General Clinton was to have paſſed over to Sullivan's iſland with the troops under his command on Long-Iſland; but the extreme danger to which he muſt unavoidably have expoſed his men, induced him to decline the perilous attempt. Colonel Thomſon, with three hundred riflemen of his regiment, colonel Clark, with two hundred regulars of the North-Carolina line, colonel Horry, with two hundred South-Carolina militia, and the Racoon company of militia riflemen, with an eighteen-pounder, and a field-piece, were ſtationed at the eaſt end of Sullivan's iſland, to oppoſe

[p] See note xv.

oppoſe their croſſing; but no ſerious attempt to land on Sullivan's iſland was made, either from the fleet or by the detachment on Long-Iſland. The Sphynx, Acteon and Syren were ſent round to attack the weſtern extremity of the fort. This was ſo unfiniſhed as to afford very imperfect cover to the men at the guns in that part, and alſo ſo ſituated as to expoſe the men in the other parts of the fort to a very dangerous croſs-fire. Providence on this occaſion remarkably interpoſed in behalf of the garriſon, and ſaved them from a fate that, in all probability, would otherwiſe have been inevitable. About twelve o'clock, as the three laſt-mentioned ſhips were advancing to attack the weſtern wing of the fort, they all got entangled with a ſhoal called the Middle Ground; two of them ran foul of each other. The Acteon ſtuck faſt. The Sphynx, before ſhe cleared herſelf, loſt her bowſprit; but the Syren got off without much injury. The ſhips, in front of the fort, kept up their fire till near ſeven o'clock in the evening without intermiſſion; after that time it ſlackened. At half paſt nine the firing on both ſides ceaſed; and at eleven the ſhips ſlipped their cables. Next morning all the men of war except the Acteon had retired about two miles from the iſland. The garriſon fired ſeveral ſhot at the Acteon; ſhe at firſt returned them, but ſoon after the crew ſet her on fire, and abandoned her, leaving her colours flying, guns loaded, and all her ammunition and ſtores. She was in a ſhort time boarded by a party of Americans, commanded

manded by captain Jacob Milligan, which brought off her colours, the ſhip's bell, and as many ſails and ſtores as three boats could contain. The Americans on board the Acteon, while flames were burſting out on all ſides, fired three of her guns at the commodore, and then quitted her. In leſs than half an hour after their departure ſhe blew up. The Briſtol had forty men killed and ſeventy-one wounded. Captain Morris, who commanded her, loſt his arm. Every man, who was ſtationed in the beginning of the action on her quarter deck, was either killed or wounded. The Experiment had twenty-three killed and ſeventy-ſix wounded. Captain Scott, who commanded her, loſt his arm. Lord William Campbell, the late governor of the province, who, as a volunteer, had expoſed himſelf in a poſt of danger, received a wound in his ſide, which ultimately proved mortal. Commodore ſir Peter Parker ſuffered a ſlight contuſion. The fire of the fort was principally directed againſt the Briſtol and Experiment, and they ſuffered very much in their hulls, maſts and rigging. Not leſs than ſeventy balls went through the former. The Acteon had lieutenant Pike killed, and ſix men wounded. The Solebay had eight men wounded. After ſome days the troops were all re-embarked, and the whole ſailed for New-York. [q]

THE loſs of the garriſon was ten men killed and twenty-two wounded. Lieutenants Hall and Gray

[q] See note XVI.

Gray were among the latter. Though there were many thouſand ſhot fired from the ſhipping, yet the works were little damaged: thoſe which ſtruck the fort were ineffectually buried in its ſoft wood. Hardly a hut or tree on the iſland eſcaped.

When the Britiſh appeared off the coaſt, there was ſo ſcanty a ſtock of lead, that, in order to ſupply the muſquetry with bullets, it became neceſſary to ſtrip the windows of the dwellinghouſes in Charleſton of their weights. Powder was alſo very ſcarce. The proportion allotted for the defence of the fort was but barely ſufficient for ſlow firing. This was expended with great deliberation. The officers in their turn pointed the guns with ſuch exactneſs that moſt of their ſhot took effect on the ſhipping. In the beginning of the action the flag-ſtaff was ſhot away. Sergeant Jaſper of the grenadiers immediately jumped on the beach, took up the flag and faſtened it on a ſponge-ſtaff. With it in his hand he mounted the merlon, and, though the ſhips were directing their inceſſant broad-ſides at the ſpot, he deliberately fixed it. The day after the action preſident Rutledge preſented ſergeant Jaſper with a ſword, as a mark of reſpect for his diſtinguiſhed valour. Sergeant M'Donald, of captain Huger's company, was mortally wounded by a cannon ball. He employed the ſhort interval, between his wound and his death, in exhorting his comrades to continue ſteady in the cauſe of liberty and their country.

This ill-conducted expedition contributed greatly to eſtabliſh the popular government which it was intended to overſet. The friends of America triumphed. Unacquainted with the viciſſitudes of war, ſome of them began to flatter themſelves their work was done, and their liberties eſtabliſhed. In oppoſition to the bold aſſertions of ſome, and the deſponding fears of others, experience proved that America might effectually reſiſt a Britiſh fleet and army. The diffident grew bold in their country's cauſe, and looked forward to the completion of their wiſhes for its liberty and independence. The advocates for the omnipotence of the Britiſh navy confeſſed their miſtake. Thoſe who, from intereſted motives, had abetted the royal government, aſhamed of their oppoſition to the ſtruggles of an infant people, for their deareſt rights, retired into obſcurity. Mr. Cunningham, and other leaders of the royaliſts, who, on the defeat and diſperſion of their party in the latter end of 1775, had been taken and committed to cloſe confinement, obtained their diſcharge ſoon after the departure of the Britiſh fleet. The ſtate wiſhed to conciliate them to the popular meaſures, and therefore, in this moment of triumph, received from them aſſurances of fidelity to their country, and reſtored them to the rights and privileges of free citizens.

Soon after the engagement, when the Britiſh troops were re-embarked for their departure, the tranſport ſhip Glaſgow, mounting ſix four pound-

ers,

ers, with fifty-ſix Highlanders on board, ran aground near Long-Iſland. Captain Pickering, Benjamin Waller, Cornelius Dervees, William Dervees and twenty-one ſeamen, all volunteers, came along ſide of her in a wood-boat, on which were mounted one eighteen pounder and ſome ſmaller guns, and took the whole crew of the Glaſgow priſoners. After ſtripping her of every thing that could be brought off, they ſet her on fire.

THE fort on Sullivan's iſland having proved ſo uſeful in repelling an invaſion, a ſcheme was adopted for making it more ſerviceable at a future time, by connecting the iſland with the main by a bridge acroſs an intervening body of water, three quarters of a mile wide and ten feet deep. Without this communication general Lee pronounced the fort on the iſland to be a ſlaughter pen. So great was the confidence of the ſtate in his judgment, that an uncommon anxiety occupied the publick mind for the completion of this great undertaking. The indefatigable and perſevering general Gadſden undertook what many thought impracticable, and accompliſhed it without charging one farthing for his ſervices.—The general aſſembly voted him their thanks.—This, and the applauſe of his countrymen, with the heart-felt ſatisfaction of promoting a cauſe to which his whole ſoul was devoted, was all the reward that diſtinguiſhed patriot received for the many publick ſervices he performed in ſecuring the liberties and advancing the happineſs of his country.

CHAPTER SIXTH.

Of the attempts on Eaſt-Florida in 1776 *and* 1778, *and of the expedition into the Cherokee country in* 1776.

IT would be happy for mankind if, among contending powers, the plundering of individuals was, by a general law of nations, reprobated. For want of this the honeſt and induſtrious, who have no ſhare in publick affairs, are frequently a prey to daring adventurers, who, under the ſanction of war, commit robberies for which, in times of peace, their lives would be forfeited. It would have been for the reciprocal advantage of Georgia, Eaſt-Florida, and South-Carolina, if the advice of ſome moderate men in St. Auguſtine, on this ſubject, had been followed; but inſtead of purſuing the prudent line of conduct recommended by them, a piratical war from that place, at a very early period of the conteſt, had commenced againſt Georgia and South-Carolina. Governor Tonyn, of Eaſt-Florida, had iſſued letters of marque before the Britiſh act was paſſed for that purpoſe, although he had previouſly conſulted the King's attorney-general of the province, who gave his opinion that the governor was not inveſted with ſuch a power. Beſides theſe piratical acts at ſea, a predatory war by land had been waged under the ſame auſpices by a party conſiſting chiefly of fugitives from juſtice in the adjoining provinces. In reſentment for theſe incurſions

ſions ſome individuals, from the ſtate of Georgia, had retaliated on the ſettlements in Eaſt-Florida; but nothing was done by proper authority till July 1776, when an invaſion of Eaſt-Florida was ſeriouſly projected, with the double view of ſecuring Georgia and South-Carolina from the depredations of their ſouthern neighbours; and of drawing the attention of the Britiſh from their northern conqueſts. This was attempted in the firſt inſtance by general Lee, ſoon after the repulſe of the Britiſh fleet on the 28th of June 1776, with part of the force then collected at Charleſton. After they had proceeded as far as the river Ogeechee, in Georgia, the general received orders to rejoin the northern army, on which the expedition was abandoned. The Britiſh afterwards erected a fort at St. Mary's river, from which they frequently haraſſed the ſouthern parts of Georgia. To drive them from this poſt became an additional motive for directing the arms of the United States againſt Eaſt-Florida. The invaſion of that province was therefore reſumed in 1778 by general Robert Howe. He had under his command the greateſt part of the South-Carolina regular troops, and was alſo joined by a conſiderable body of South-Carolina and Georgia militia, and had the co-operation of four gallies. Their rout lay through a country ſo thoroughly barren that it did not produce a ſingle berry, nor was a bird to be ſeen. They proceeded as far as St. Mary's river without any oppoſition of conſequence from the enemy. A great

mortality

mortality however among the ſoldiers induced a council of war to recommend a retreat. Before the army returned it ſuſtained a loſs of upwards of five hundred men. Though the object of the expedition was not fully obtained; yet the ſtates of South-Carolina and Georgia were, for that campaign, in a conſiderable degree ſaved from the depredations of their ſouthern neighbours. In the following years they ſuffered very much from the privateers fitted out at St. Auguſtine, and from the incurſions of a band of horſemen, under the denomination of the Florida Rangers.

THE inhabitants of Eaſt and Weſt-Florida were not the only hoſtile neighbours of the ſouthern ſtates. The Cherokee and Creek Indian nations, who inhabit lands not far diſtant from the weſtern ſettlements of Carolina and Georgia, proved, in like manner, very troubleſome. On the firſt appearance of a rupture between Great-Britain and her colonies, the attention of both parties was engaged to ſecure their friendſhip. Many circumſtances had concurred to give them unfavourable impreſſions of the Americans. For ſeveral years the management of them had been excluſively committed to John Stuart, eſquire, an officer of the crown, and wholly devoted to the royal intereſt. This gentleman had been a provincial officer, and was in fort Loudon about the year 1760 when it ſurrendered to the Cherokees. The maſſacre of that garriſon, the hardſhips he underwent in eſcaping only with life, and the diſ-

treſs of a numerous young family, touched the feelings of the aſſembly of South-Carolina. They gave him a preſent of fifteen hundred pounds currency, and recommended him, through the governor, to the King's ſervice. In conſequence of this he was appointed ſuperintendent of Indian affairs. Great were the obligations he owed to South-Carolina; but, being in the immediate ſervice of his Britannick majeſty, he conceived himſelf under ſuperior obligations to exert his influence to attach the Indians to the royal intereſt. The ſtate of publick affairs in the colonies furniſhed him with many plauſible arguments ſubſervient to this deſign. The non-importation agreement, adopted by the Americans, not only diſabled them from ſupplying the wants of the Indians, but precluded the poſſibility of their receiving royal preſents. This interruption of the commerce, uſual between the white inhabitants and their ſavage neighbours, gave Mr. Stuart an opportunity of exaſperating the Indians againſt the friends of Congreſs. It was eaſy for him to perſuade them that the coloniſts had begun an unprovoked oppoſition to Great-Britain, and, to effect their purpoſes, had adopted reſolutions which prevented the Indians from receiving their yearly ſupply of arms, ammunition and clothing. It might be plauſibly ſuggeſted to the uninformed ſavages, that, if their white neighbours ſhould ſucceed in oppoſing Great-Britain, they would probably next aim at the extirpation of their red brethren.

In the years 1760 and 1761, a war with the Cherokee Indians had involved the inhabitants of South-Carolina in great diſtreſs. On that occaſion they courted the aid of the King's troops in America. In fifteen years after, when the people of the ſame country dared to reſiſt the parent ſtate, it was ſuppoſed, by the friends of royal government, that the horrors of an Indian war would once more bring the province to ſue for Britiſh protection.

The above-mentioned Mr. John Stüart, very early in the conteſt, retired from South-Carolina to Weſt-Florida, and from that province employed his brother Henry Stuart, Mr. Cameron and others, to penetrate into the Indian country to the weſtward of Carolina. A plan was ſettled by him, in concert with the King's governors and other royal ſervants, to land a Britiſh army in Florida, and to proceed with it to the weſtern frontiers of the ſouthern ſtates, and there, in conjunction with the tories and Indians, to fall on the friends of the revolution, at the ſame time that a fleet and army ſhould invade them on the ſea coaſt. [r] Moſes Kirkland, who has already been mentioned as a leader of the party for royal government in the back parts of South-Carolina, was confidentially employed by John Stuart, governor Tonyn, and other royal ſervants, to the ſouthward, to concert with general Gage, the commander of the Britiſh forces in Boſton, the neceſſary

[r] See note XVII.

neceſſary means for accompliſhing the above-mentioned ſcheme. The whole plan was fully detected by the providential capture of the veſſel which was conveying Kirkland to Boſton. The letters found in his poſſeſſion were publiſhed by the order of Congreſs, and produced conviction in the minds of the Americans, that the Britiſh adminiſtration, in order to effect their ſchemes, had employed ſavages, who indiſcriminately murder men, women and children, to commence hoſtilities on their weſtern brethren. Though the diſcovery of the Britiſh deſigns, and the capture of Kirkland, who was to have had an active ſhare in the execution of them, in a great degree fruſtrated the views of the royal ſervants; yet ſo much was carried into effect, that the Cherokee Indians began their maſſacres at the very time the Britiſh fleet attacked the fort on Sullivan's iſland.

The Americans very early paid attention to their ſavage neighbours. They appointed commiſſioners to explain to them the grounds of the diſpute between Great-Britain and her colonies, and to cultivate with them a friendly correſpondence. As far as they poſſibly could, they ſupplied their wants. They endeavoured to perſuade the Indians that the quarrel was by no means relative to them, and that therefore they ſhould take part with neither ſide. Theſe moderate propoſitions were over-ruled by the ſuperior influence of the royal ſuperintendent, who had their previous confidence, and more ample means of adminiſtering

miniſtering to their neceſſities. An Indian war commenced, and was carried on with its uſual barbarity. The ſpeedy departure of the Britiſh fleet from the ſea coaſt, after their unſucceſsful attack of the fort on Sullivan's iſland, gave an opportunity to concentre the whole force of the ſtate for the due chaſtiſement of the ſavage invaders. Though the Britiſh plan of a co-operation with the tories and Indians was for the preſent fruſtrated, yet the probability that it would again be reſumed, determined the popular leaders to make a vigorous expedition into the country of the Cherokees, that they in future might be deterred from acting in concert with the Britiſh adminiſtration. A conjunct attack on their ſettlements over the mountains was agreed upon by the ſouthern ſtates. Colonel Williamſon, of the diſtrict of Ninety-ſix, was choſen by the government of South-Carolina to command their forces on this occaſion. The ſixth regular regiment, part of the third, and a large body of militia, were put under his command. About the ſame time, and on the ſame buſineſs, general Rutherford, with upwards of nineteen hundred men, from the ſtate of North-Carolina, croſſed the mountains. In their paſſage through the Indian country the forces, under the command of colonel Williamſon, were two or three times briſkly attacked, but they finally repulſed the aſſailing ſavages. The Americans on this occaſion traverſed their whole country, and laid waſte their fields of corn.—Above five hundred of the Cherokees were obliged,

obliged, by their diſtreſs for want of proviſions, to take refuge with John Stuart in Weſt-Florida, where they were fed at the expence of the Britiſh government. The Indian ſettlements to the northward were at the ſame time invaded by a party of Virginia militia, commanded by colonel Chriſtie, and to the ſouthward by the Georgia militia, commanded by colonel Jack. Diſmal was the wilderneſs through which the Americans had to paſs. Many were the dangers to which they were expoſed from dark thickets and rugged paths. They were frequently obliged to paſs through narrow defiles, in which ſmall parties might haraſs the braveſt and moſt numerous army in the world. They had to croſs rivers, fordable only at one place, and overlooked by high banks, from which an enemy might attack with advantage, and retreat with ſafety. They could have no accommodations but a few plain neceſſaries carried on pack-horſes. They, for the moſt part, ſlept in the open air, and experienced all the inconveniencies of a ſavage life.

THE unfortunate miſled Indians, finding themſelves attacked on all ſides, ſued in the moſt ſubmiſſive terms for peace. [s] A treaty between them and the ſtate took place, at which commiſſioners from Georgia attended, who concurred in and ſigned the articles of pacification. By this treaty the Indians ceded a conſiderable part of their land to the ſtate of South-Carolina. [t] To preſerve

[s] See note XVIII. [t] See note XIX.

preſerve peace and good order a fort, called Fort Rutledge, was erected at Seneca, and garriſoned by two independent companies. A friendly intercourſe between the ſavages and white inhabitants took place. Agriculture flouriſhed, and every thing remained quiet till the year 1780.

None of all the expeditions before undertaken againſt the ſavages had been ſo ſucceſsful as this firſt effort of the new-born commonwealth. In leſs than three months, viz. from the 15th of July to the 11th of October 1776 the buſineſs was completed, and the nation of the Cherokees ſo far ſubdued as to be incapable of annoying the ſettlements. The whole loſs of the Americans in the expedition did not exceed fifty men, but in this number was that worthy citizen Mr. Francis Salvador.

From the double ſucceſs of this campaign, in repelling the Britiſh and conquering the ſavages, the people of South-Carolina began to be more and more convinced that the leading-ſtrings of the mother-country were leſs neceſſary than in the days of their infancy. Through the whole of this year, though the arms of the Britiſh were ſucceſsful to the northward, their intereſt to the ſouthward declined. Every plan, for their acting in concert with the tories and Indians, proved abortive. Hard would it have been for the whigs of South-Carolina to have oppoſed ſo formidable a combination, could the friends of Britain have

ſucceeded

ſucceeded in their ſcheme of acting at one and the ſame time: but, through the kindneſs of Heaven, the favourers of the revolution had the opportunity of attacking them ſeparately, and of ſucceſſively pouring their whole force, and alſo that of a conſiderable aid from their neighbours, on the tories, the Britiſh, and the Indians. The firſt, from their premature inſurrection, were cruſhed before their Britiſh friends arrived. The laſt were abandoned to the reſentments of the ſtate, by the royal fleet and army precipitately leaving the coaſt, and under the ſmiles of Heaven, all three were vanquiſhed by the infant American republicks. The means adopted by the Britiſh to cruſh the friends of the Congreſs were providentially over-ruled, ſo as to produce the contrary effect. Their exciting Indians to maſſacre the defenceleſs frontier ſettlers increaſed the unanimity of the inhabitants, and invigorated their oppoſition to Great-Britain. Several who called themſelves tories in 1775 became active whigs in 1776, and cheerfully took up arms in the firſt inſtance againſt Indians, and in the ſecond againſt Great-Britain, as the inſtigator of their barbarous devaſtations. Before this event ſome well-meaning people could not ſee the juſtice or propriety of contending with their formerly protecting parent-ſtate; but Indian cruelties, excited by royal artifices, ſoon extinguiſhed all their predilection for the country of their forefathers.

THE expedition into the Cherokee ſettlements diffuſed

diffuſed military ideas, and a ſpirit of enterprize among the inhabitants. It taught them the neceſſary arts of providing for an army, and gave them experience in the buſineſs of war. The new arrangements, civil and military, were followed with that energy and vigour which is acquired by an individual or a collective body of people acting from the impulſe of their own minds. From cauſes like theſe we ſhall find, in the courſe of this hiſtory, the peaceable inhabitants of a whole ſtate transformed from planters, merchants and mechanicks, into an active diſciplined military body, and a well-regulated ſelf-governed community.

CHAPTER

CHAPTER SEVENTH.

Of independence, the alliance with France, the confederation, and the ſtate of publick affairs in South-Carolina prior to the reduction of Savannah in December 1778.

NOTWITHSTANDING the nominal exiſtence of royal authority in South-Carolina, an independent government had a virtual operation from the 6th of July 1774. This was at firſt by conventions, committees and congreſſes, whoſe reſolutions had the fulleſt force of law, on a people who thought that their liberties were endangered, and that their only ſafety conſiſted in union. It was afterwards reduced into a more regular form in March 1776; but all theſe inſtitutions were temporary, and looked forward to an accommodation with Great-Britain. The act of final ſeparation from the mother-country could not be the work of any one ſtate. Every thing of that magnitude was referred to the continental Congreſs, to whoſe general ſuperintendance the individual colonies had voluntarily ſubmitted. That auguſt aſſembly, at their firſt meeting in 1774, petitioned the King, and addreſſed the people, of Great-Britain, for a redreſs of their grievances. In the year 1775 they renewed their ſupplications to their ſovereign, in which they prayed that his majeſty would be pleaſed 'to direct ſome 'mode by which the united application of his 'faithful

'faithful coloniſts to the throne, in preſence of 'their common councils, might be improved into 'a happy and permanent reconciliation; and that, 'in the mean-time, meaſures might be taken for 'preventing the farther deſtruction of his ma-'jeſty's ſubjects.' [v] They alſo a ſecond time addreſſed the people of Great-Britain, in which they apprized them of their fixed reſolution to defend their liberties, but at the ſame time diſclaimed every wiſh of independence, or any thing more than the ſecure enjoyment of their ancient rights and privileges. [u] They aſked for peace, but the ſword was tendered—for liberty, but nothing ſhort of unconditional ſubmiſſion was offered. Their petitions received no anſwer. And all the inhabitants of the colonies were, by an act of parliament paſſed December 21, 1775, thrown out of the King's protection. This was a legal diſcharge from their allegiance to the King of Great-Britain, and placed the colonies in a ſtate of nature, at full liberty to provide for their own ſafety, by entering into any new ſocial compact which they approved. Though the refuſal of protection was a legal juſtification of their conduct in withholding allegiance, yet independence was untried ground, and could not at once gain the plenary approbation of colonies which had long flouriſhed under royal protection. The minds of the inhabitants were overcaſt with fears, and toſſed in a tumult of uncertainty. Their reſolution was fixed never to ſubmit to the claims of the Britiſh parliament,

[v] See note xx. [u] See note xxi.

liament, but how to extricate themſelves from ſurrounding difficulties was a queſtion that embarraſſed their wiſeſt politicians. While they were in this ſtate of feveriſh anxiety, a pamphlet, under the ſignature of Common Senſe, written by Mr. Thomas Paine, made its appearance. It proved the neceſſity, the advantages, and practicability of independence. It ſatisfied a great majority of the people that it was their true intereſt immediately to cut the Gordian knot which bound the American colonies to Great-Britain, and to open their commerce, as an independent people, to all the nations of the world. Nothing could be better timed than this performance. It found the coloniſts greatly exaſperated againſt the mother-country, moſt thoroughly alarmed for their liberties, and diſpoſed to do and ſuffer every thing that bid faireſt for their eſtabliſhment. In uniſon with the feelings and ſentiments of the people, it produced moſt aſtoniſhing effects. It was read by almoſt every American, and, in conjunction with the cruel policy of Great-Britain, was, by the direction of Providence, inſtrumental in effecting an unexampled unanimity in favour of independence. The deciſive genius of Chriſtopher Gadſden in the ſouth, and of John Adams in the north, at a much earlier day, might have deſired the complete ſeparation of America from Great-Britain—but till the year 1776—the rejection of the ſecond petition of Congreſs—and the appearance of Mr. Paine's pamphlet—a reconciliation with the mother-country was the unanimous wiſh of almoſt every other American.

BEFORE the Congreſs ventured on the important ſtep of changing the ſovereignty of the colonies, they ſent forth a reſolution, on the 15th of May 1776, recommending to all of them to inſtitute forms of government. [w] This was intended to aſcertain the ſenſe of the inhabitants on the important queſtion of independence. In adopting this meaſure Congreſs, inſtead of leading, only followed the voice of the people. South-Carolina had for near two months been in poſſeſſion of a regular government. Other ſtates were engaged in framing their conſtitutions, and inſtructions were ſoon given by almoſt all the thirteen colonies to their deputies in Congreſs to concur in formally renouncing the ſovereignty of Great-Britain. Independence was finally decided on in Congreſs, and declared in Philadelphia, on the 4th of July 1776, in the following words:

'IN CONGRESS,

'JULY 4, 1776.

'A declaration by the repreſentatives of the United 'States of America, in Congreſs aſſembled.

'WHEN, in the courſe of human events, it 'becomes neceſſary for one people to diſſolve the 'political bands which have connected them with 'another, and to aſſume, among the powers of 'the earth, the ſeparate and equal ſtation to 'which the laws of nature and of nature's GOD 'entitle them, a decent reſpect to the opinions 'of

[w] See note XXII.

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[w] See note XXII.

'of mankind requires that they ſhould declare
'the cauſes which impel them to the ſeparation.

'WE hold theſe truths to be ſelf-evident; that
'all men are created equal; that they are en-
'dowed by their Creator with certain unalienable
'rights; that among theſe are life, liberty, and
'the purſuit of happineſs. That, to ſecure theſe
'rights, governments are inſtituted among men,
'deriving their juſt powers from the conſent of
'the governed; that whenever any form of go-
'vernment becomes deſtructive of theſe ends, it
'is the right of the people to alter or to aboliſh
'it, and to inſtitute new government, laying its
'foundation on ſuch principles, and organizing
'its powers in ſuch form, as to them ſhall ſeem
'moſt likely to effect their ſafety and happineſs.
'Prudence, indeed, will dictate that governments
'long eſtabliſhed ſhould not be changed for light
'and tranſient cauſes; and accordingly all expe-
'rience hath ſhewn, that mankind are more diſ-
'poſed to ſuffer, while evils are ſufferable, than
'to right themſelves by aboliſhing the forms to
'which they are accuſtomed. But when a long
'train of abuſes and uſurpations, purſuing inva-
'riably the ſame object, evinces a deſign to re-
'duce them under abſolute deſpotiſm, it is their
'right, it is their duty, to throw off ſuch go-
'vernment, and to provide new guards for their
'future ſecurity. Such has been the patient ſuf-
'ferance of theſe colonies; and ſuch is now the
'neceſſity which conſtrains them to alter their

'former

'former ſyſtems of government. The hiſtory
'of the preſent King of Great-Britain is a hiſtory
'of repeated injuries and uſurpations, all having
'in direct object the eſtabliſhment of an abſolute
'tyranny over theſe ſtates. To prove this, let
'facts be ſubmitted to a candid world.

'He has refuſed his aſſent to laws, the moſt
'wholeſome and neceſſary for the publick good.

'He has forbidden his governors to paſs laws
'of immediate and preſſing importance, unleſs
'ſuſpended in their operation till his aſſent ſhould
'be obtained; and when ſo ſuſpended he has
'utterly neglected to attend to them.

'He has refuſed to paſs other laws for the ac-
'commodation of large diſtricts of people, unleſs
'thoſe people would relinquiſh the right of repre-
'ſentation in the legiſlature, a right ineſtimable
'to them, and formidable to tyrants only.

'He has called together legiſlative bodies at
'places unuſual, uncomfortable, and diſtant from
'the depoſitory of their publick records, for the
'ſole purpoſe of fatiguing them into compliance
'with his meaſures.

'He has diſſolved repreſentative houſes repeat-
'edly, for oppoſing, with manly firmneſs, his in-
'vaſions on the rights of the people.

'He

'He has refuſed, for a long time after ſuch 'diſſolutions, to cauſe others to be elected; 'whereby the legiſlative powers, incapable of an-'nihilation, have returned to the people at large 'for their exerciſe; the ſtate remaining in the 'mean-time expoſed to all the danger of invaſion 'from without, and convulſions within.

'He has endeavoured to prevent the popula-'tion of theſe ſtates; for that purpoſe obſtruct-'ing the laws for naturalization of foreigners; 'refuſing to paſs others to encourage their migra-'tions hither, and raiſing the conditions of new 'appropriations of lands.

'He has obſtructed the adminiſtration of juſ-'tice, by refuſing his aſſent to laws for eſtabliſhing 'judiciary powers.

'He has made judges dependent on his will 'alone, for the tenure of their offices, and the 'amount and payment of their ſalaries.

'He has erected a multitude of new offices, 'and ſent hither ſwarms of officers to haraſs our 'people, and eat out their ſubſtance.

'He has kept among us, in times of peace, 'ſtanding armies, without the conſent of our 'legiſlatures.

'He has affected to render the military 'independent

'independent of, and ſuperior to, the civil 'power.

'He has combined with others to ſubject us to 'a juriſdiction foreign to our conſtitution, and 'unacknowledged by our laws; giving his aſſent 'to their acts of pretended legiſlation:

'For quartering large bodies of armed troops 'among us:

'For protecting them, by a mock trial, from 'puniſhment for any murders which they ſhould 'commit on the inhabitants of theſe ſtates:

'For cutting off our trade with all parts of the 'world:

'For impoſing taxes on us without our con-'ſent:

'For depriving us, in many caſes, of the bene-'fits of trial by jury:

'For tranſporting us beyond ſeas to be tried 'for pretended offences:

'For aboliſhing the free ſyſtem of Engliſh laws 'in a neighbouring province, eſtabliſhing therein 'an arbitrary government, and enlarging its boun-'daries, ſo as to render it at once an example 'and fit inſtrument for introducing the ſame 'abſolute rule into theſe colonies:

'For taking away our charters, aboliſhing our 'moſt valuable laws, and altering fundamentally 'the forms of our governments;

'For ſuſpending our own legiſlatures, and 'declaring themſelves inveſted with power to 'legiſlate for us in all caſes whatſoever.

'He has abdicated government here, by de-
'claring us out of his protection, and waging
'war againſt us.

'He has plundered our ſeas, ravaged our coaſts,
'burnt our towns, and deſtroyed the lives of our
'people.

'He is, at this time, tranſporting large armies
'of foreign mercenaries to complete the works of
'death, deſolation and tyranny, already begun
'with circumſtances of cruelty and perfidy, ſcarce-
'ly parallelled in the moſt barbarous ages, and
'totally unworthy the head of a civilized nation.

'He has conſtrained our fellow-citizens, taken
'captive on the high ſeas, to bear arms againſt
'their country, to become the executioners of
'their friends and brethren, or to fall themſelves
'by their hands.

'He has excited domeſtick inſurrections a-
'mongſt us, and has endeavoured to bring on
'the inhabitants of our frontiers the mercileſs
'Indian ſavages, whoſe known rule of warfare
'is an undiſtinguiſhed deſtruction of all ages,
'ſexes and conditions.

'In every ſtage of theſe oppreſſions we have
'petitioned for redreſs in the moſt humble terms:
'our repeated petitions have been anſwered only
'by repeated injury. A prince, whoſe character
'is

'is thus marked by every act which may define 'a tyrant, is unfit to be the ruler of a free people.

'NOR have we been wanting in attention to 'our Britiſh brethren. We have warned them 'from time to time of attempts made by their 'legiſlature to extend an unwarrantable juriſdic-'tion over us. We have reminded them of the 'circumſtances of our emigration and ſettlement 'here. We have appealed to their native juſtice 'and magnanimity, and we have conjured them, 'by the ties of our common kindred, to diſavow 'theſe uſurpations, which would inevitably inter-'rupt our connections and correſpondence. They 'too have been deaf to the voice of juſtice and of 'conſanguinity. We muſt, therefore, acquieſce 'in the neceſſity, which denounces our ſeparation, 'and hold them, as we hold the reſt of mankind, 'enemies in war, in peace friends.

'WE, therefore, the repreſentatives of the 'United States of America, in general Congreſs 'aſſembled, appealing to the Supreme Judge of 'the world for the rectitude of our intentions, do, 'in the name and by the authority of the good 'people of theſe colonies, ſolemnly publiſh and 'declare, That theſe United Colonies are, and of 'right ought to be, FREE and INDEPENDENT 'STATES; that they are abſolved from all alle-'giance to the Britiſh crown; and that all political 'connection between them and the ſtate of Great-'Britain is and ought to be totally diſſolved; and

'that

'that as free and independent ſtates, they have 'full power to levy war, conclude peace, con- 'tract alliances, eſtabliſh commerce, and to do all 'other acts and things which independent ſtates 'may of right do. And for the ſupport of this 'declaration, with a firm reliance on the protec- 'tion of Divine Providence, we mutually pledge 'to each other our lives, our fortunes, and our 'ſacred honour.

'JOHN HANCOCK.

'NEW-HAMPSHIRE,	Joſiah Bartlett, William Whipple, Matthew Thornton.
'MASSACHUSETTS-BAY,	Samuel Adams, John Adams, Robert-Treat Paine, Elbridge Gerry.
'RHODE-ISLAND, &c.	Stephen Hopkins, William Ellery.
'CONNECTICUT,	Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
'NEW-YORK,	William Floyd, Philip Livingſton, Francis Lewis, Lewis Morris.
'NEW-JERSEY,	

‘NEW-JERSEY,	Richard Stockton, John Witherſpoon, Francis Hopkinſon, John Hart, Abraham Clark.
‘PENNSYLVANIA,	Robert Morris, Benjamin Ruſh, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilſon, George Roſs.
‘DELAWARE,	Cæſar Rodney, George Read.
‘MARYLAND,	Samuel Chaſe, William Paca, Thomas Stone, Charles Carroll, of Carrollton.
‘VIRGINIA,	George Wythe, Richard-Henry Lee, Thomas Jefferſon, Benjamin Harriſon, Thomas Nelſon, jun. Fran. Lightfoot Lee, Carter Braxton.
‘NORTH-CAROLINA,	William Hooper, Joſeph Hewes, John Penn.
‘SOUTH-CAROLINA,	

'South-Carolina,	Edward Rutledge, Tho. Heyward, jun. Thomas Lynch, jun. Arthur Middleton.
'Georgia,	Button Gwinnett, Lyman Hall, George Walton.'

From this moment every thing aſſumed a new appearance. The Americans no longer appeared in the character of ſubjects in arms againſt their ſovereign, but as an independent people, repelling the attacks of an invading foe. The propoſitions and ſupplications for reconciliation were done away. The diſpute was brought to a ſingle point, whether the late Britiſh colonies ſhould be conquered, enſlaved provinces, or free and independent ſtates. This deciſive meaſure was adopted without aſſurances of aid from any foreign power, and in the face of a Britiſh force of fifty thouſand men, and at a time when Congreſs had no regular forces, but about twenty-five thouſand which had been enliſted only for a few months, without any view to independence. In a few days after it was received in Charleſton, and proclaimed in the moſt ſolemn manner to the troops under arms. This was followed with the firing of guns, ringing of bells, acclamations of the people, and all the uſual parade of a publick rejoicing. The declaration of independence arrived in Charleſton at a moſt favourable juncture. It found the people of South-Carolina exaſperated againſt

againſt Great-Britain for her late hoſtile attack, and elevated with their ſucceſsful defence of Fort Moultrie. It was welcomed by a great majority of the inhabitants. In private it is probable that ſome condemned the meaſure, as raſhly adventurous beyond the ability of the ſtate; but theſe private murmurs never produced to the publick ear a ſingle expreſſion of diſapprobation.

When preſident Rutledge officially tranſmitted to the legiſlature of the ſtate the act of Congreſs on the ſubject of independence, it was received with tranſports of joy by the legiſlative-council and general aſſembly. The former expreſſed their ſentiments in the following words:

'The declaration of the continental Congreſs 'that the United Colonies are, and of right 'ought to be, free and independent ſtates; that 'they are abſolved from all allegiance to the Bri-'tiſh crown; and that all political connection be-'tween them and the ſtate of Great-Britain is 'and ought to be totally diſſolved; calls forth all 'our attention. It is an event which neceſſity 'had rendered not only juſtifiable, but abſolutely 'unavoidable. It is a decree now worthy of 'America. We thankfully receive the notifica-'tion of, and rejoice at it; and we are determined 'at every hazard to endeavour to maintain it, 'that ſo, after we have departed, our children 'and their lateſt poſterity may have cauſe to bleſs 'our memory.'

The

THE general aſſembly expreſſed their approbation in the following addreſs:

'IT is with the moſt unſpeakable pleaſure we 'embrace this opportunity of expreſſing our joy 'and ſatisfaction in the declaration of the conti- 'nental Congreſs, declaring the United Colonies 'free and independent ſtates, abſolved from al- 'legiance to the Britiſh crown, and totally diſ- 'ſolving all political union between them and 'Great-Britain—an event unſought for, and now 'produced by unavoidable neceſſity, and which 'every friend to juſtice and humanity muſt not 'only hold juſtifiable as the natural effect of un- 'merited perſecution, but equally rejoice in, as 'the only effectual ſecurity againſt injuries and 'oppreſſions, and the moſt promiſing ſource of 'future liberty and ſafety.'

AFTER the termination of the unſucceſsful attack on the fort on Sullivan's iſland in June 1776, the Britiſh arms were for more than two years wholly employed to the northward. During this period South-Carolina felt very few of the inconveniencies which were then grinding their brethren to the northward. They were in poſſeſſion of a lucrative commerce, and comparatively happy. In the year 1777 and 1778 Charleſton was the mart for ſupplying with goods moſt of the ſtates to the ſouthward of New-Jerſey. Many hundred waggons were employed in this inland traffick,

traffick. At no period of peace were fortunes more eaſily or more rapidly acquired.

WHILE Congreſs vigorouſly oppoſed Great-Britain from their own reſources, they did not neglect the important buſineſs of negotiation. The friendſhip of foreign powers, particularly of the ancient and powerful monarchy of France, was, from the declaration of independence, earneſtly deſired by the new-formed ſtates of America. Thoſe who write the general hiſtory of American affairs, will enter into a detail of the circumſtances which, for ſome time, delayed the ratification of a treaty that was early propoſed between the Congreſs and his moſt chriſtian majeſty. In this partial view of the revolution ſuffice it to ſay, that the commiſſioners of the United States could not have addreſſed themſelves to the court of France in more favourable circumſtances. The throne was filled by a prince in the flower of his age, animated with a deſire of rendering his reign illuſtrious. The means employed for this purpoſe by his moſt chriſtian majeſty were virtue, juſtice and firmneſs, tempered with moderation. The Count de Vergennes, the faithful ſervant of this Monarch, had grown old in political knowledge, and was well ſatisfied that conqueſts are neither the ſhorteſt nor the ſureſt way to true greatneſs.—That if monarchs deſired to aggrandize their reigns, or to render themſelves the arbiters of ſurrounding nations, they muſt exerciſe moderation, and ſhew themſelves the pa-

trons of the weak and the oppreſſed, without taking any advantage of their humble ſituation.

UNDER the influence of theſe principles, on the 6th of February 1778, his moſt chriſtian majeſty Louis the Sixteenth entered into treaties of amity and commerce and of alliance with the American commiſſioners at Paris, on the footing of the moſt perfect equality and reciprocity. By the latter of theſe that illuſtrious monarch became the guarantee of the ſovereignty and independence of the thirteen United States of North-America.[x] Such a powerful Ally, added to the natural force of America, alarmed the fears of Great-Britain, and induced her to make an effort in the way of negotiation to recover her late colonies. Governor Johnſtone, Lord Carliſle and Mr. Eden, were appointed commiſſioners on the part of Great-Britain, to come to America, and to offer Congreſs a relinquiſhment of the parliamentary exerciſe of taxation, and to confirm them in every immunity conſiſtent with an union of force.[y] So expeditious was the court of Great-Britain in propoſing theſe overtures, that the bills containing them were read in Congreſs eleven days prior to any information received by that body of the alliance with France being ſigned. A firm determination, under no change of fortune whatever to recede from their declaration of independence, prompted Congreſs in the firſt inſtance to reject the propoſals of a REUNION with Great-Britain.

[x] See note XXIII. [y] See note XXIV.

Britain.[z] After their connection with France was known, gratitude and national faith were additional incentives to continue in the ſame line of conduct.

When the alliance with France was announced in South-Carolina, it diffuſed a general joy. It not only gave confidence to all in the final eſtabliſhment of their independence, but reconciled them to the calamities of war. They viewed their misfortunes only as temporary, and looked forward to a ſpeedy peace, when all their wiſhes in favour of their country would be realized. The conduct of Congreſs, in inſtantly rejecting the offers of the commiſſioners, was in all companies applauded. Their propoſals were conſidered as an inſult offered to the United States. The ſecond petition of Congreſs had not aſked ſo much as was then offered. At that period the propoſitions of Great-Britain would have been gladly accepted, but to that petition the King of Great-Britain refuſed an anſwer. After the colonies had declared themſelves independent ſtates—had pledged their honour to abide by that declaration—had, under the ſmiles of Heaven, maintained it for three campaigns without foreign aid—After the greateſt monarch in Europe had entered into a treaty with them, and guarantied their independence—After all this to degrade themſelves from the rank of freemen to that of ſubjects—from ſovereign ſtates to dependent provinces—were propoſitions no where leſs reliſhed than by the citizens

[z] See note xxv.

tizens of South-Carolina. The tide was fairly turned. Inſtead of that hankering after Great-Britain, which had made a ſeparation painful, the current of popular opinions and prejudices ran ſtrong in an oppoſite direction. Several of the royaliſts, who before had taken part with the Britiſh, joined their countrymen, and took the oaths to the new government. Some cautious monied men, who heretofore had preferred private to publick ſecurity, after theſe events, depoſited large ſums in the publick funds, on the faith of the new government.

On a review of the tranſactions between Great-Britain and America from the year 1774 to the year 1778, an attentive obſerver cannot but remark four different periods, in each of which the conteſt between the two countries aſſumed a new complexion. The parliamentary claims of unlimited ſupremacy—the Boſton port-act—the abolition of the charter of Maſſachuſetts—and the other acts of the like tendency, paſſed about the ſame time—rouſed the colonies in 1774 to the appointment of a Congreſs, and to a declaration of their excluſive right to tax themſelves, and regulate their own internal polity. To obtain a repeal of thirteen acts of parliament, which infringed upon theſe claims, they petitioned the King of Great-Britain, and aſſociated to ſuſpend all trade till this repeal ſhould be obtained. The ſucceſs that had followed two former attempts of this kind, flattered them that their preſent wiſhes would

would ſoon be fully gratified. They therefore very generally came into the meaſure, without foreſeeing all the conſequences, and without intending any thing farther than ſuch a commercial oppoſition as would intereſt the Weſt-Indians and Britiſh merchants in their behalf. The refuſal of this firſt petition, and the ſubſequent commencement of hoſtilities on the part of Great-Britain, produced in the coloniſts a determination to oppoſe force to force. A military oppoſition was therefore adopted about the middle of the year 1775, but without a deſign of effecting a ſeparation from Great-Britain. At this ſecond ſtage of the quarrel the Congreſs prepared a ſecond petition, praying for the repeal of the obnoxious acts. To give weight to this renewed application to the throne, and to rouſe the people of England to a ſenſe of the probable conſequences of their perſiſting in the war, they formed a temporary army, and publiſhed to the world their reſolution of defending their liberties at every hazard. [aa] Still nothing farther was intended than a redreſs of grievances. The rejection of this ſecond petition—the determination to wage war in full form againſt the coloniſts—and the act of parliament putting the whole of them out of the King's protection—gave birth to a third and unforeſeen meaſure—the declaration of independence. Without this they muſt either have ſubmitted with their grievances unredreſſed, or carried on a war under the appellation of ſubjects in

[aa] See note XXVI.

in arms againſt their acknowledged ſovereign, in which caſe no foreign power could have openly aſſiſted them. After this meaſure was adopted, a fœderal union might have taken place between Great-Britain and America, by which the former might have ſecured to herſelf a great part of the trade of the latter, without any expence on account of her civil eſtabliſhments. Inſtead of propoſing any thing of this kind, Great-Britain carried on the war for the campaigns of 1776 and 1777 profeſſedly with a view to reduce them to unconditional ſubmiſſion, and offered nothing to the United States before April 1778, which they could with honour or ſafety accept. After a treaty had been concluded between France and America, Great-Britain ſent out commiſſioners to offer Congreſs more than a repeal of the acts which were at firſt the ſource of the diſpute. By this conduct ſhe virtually acknowledged ſhe had been hitherto in the wrong, and alſo gave the United States an opportunity of evincing to their new ally the ſincerity of their engagements.

If the Congreſs had at this late hour liſtened to the propoſitions of Great-Britain for a reunion, the world would have juſtly charged them with the want of honour and gratitude. They would alſo have forfeited the future confidence of every European power. It is alſo now known, by information ſince obtained, that even though the ſtates of America had agreed with the royal commiſſioners,

miſſioners, the ruling-powers of Great-Britain would not have ratified the convention.

From this time forward commenced the fourth period of the conteſt. The colonies were not only loſt to Great-Britain, but their whole weight was thrown into the oppoſite ſcale of France.

Though the continental Congreſs, in conducting the oppoſition to the mother-country, did little more than give an efficient operation to the wiſhes of their conſtituents; yet the Britiſh commiſſioners flattered themſelves that an application to the local legiſlatures, and the people at large, would be more ſucceſsful. They therefore next addreſſed themſelves to the individual ſtates, and denounced the extremities of war on thoſe who continued to prefer the alliance with France to a reunion with Great-Britain. [bb] This did not produce the intimidation expected from it, nor were their propoſals more favourably received by the local legiſlatures, or the people, than they had been by the continental Congreſs. When the flag arrived with their overtures ſeparately addreſſed to the governor, the aſſembly, the military, the clergy and the people, of South-Carolina, it was detained in the road near the harbour of Charleſton, till preſident Lowndes convened his council, and the heads or leading-men of the different orders of the inhabitants, to whom they were addreſſed. As ſoon as the letters

[bb] See note XXVII.

ters of the Britiſh commiſſioners were read to the gentlemen convened on this occaſion, an unanimous reſolution was adopted to order the flag-veſſel immediately to depart the ſtate. This was accompanied with a reprimand for attempting to violate the conſtitution of the country, by offering to negotiate with the ſtate in its ſeparate capacity.

THE inhabitants of the United States, adhering to their own declarations, and to their national engagements with France, perſevered in refuſing to reunite with Great-Britain, or to conclude a peace with her otherwiſe than on principles of independence, and in concert with their allies. To deter the Britiſh from executing their threats of laying waſte the country, Congreſs recommended to ſuch of the inhabitants of the United States as lived in places expoſed to the ravages of the enemy, immediately to build huts at leaſt thirty miles diſtant from their habitations, and to convey thither their women, children, and others not capable of bearing arms, together with their cattle and other moveable property. They alſo publiſhed to the world a reſolution, and manifeſto, ſetting forth their fixed purpoſe of retaliation, and appealing to Heaven for the rectitude of their intentions.[cc]

FROM the time of the declaration of independence the attention of Congreſs was engaged in framing

[cc] See note XXVIII.

framing articles of confederation, to bind the thirteen ſtates in one common bond of continental government. When this was agreed to by Congreſs, it was ſubmitted to the different legiſlatures, accompanied with an addreſs, of which the following is a part:

'CONGRESS having agreed upon a plan of 'confederacy for ſecuring the freedom, ſovereign-'ty and independence of the United States, au-'thentick copies are now tranſmitted for the con-'ſideration of the reſpective legiſlatures.

'THIS buſineſs, equally intricate and impor-'tant, has in its progreſs been attended with un-'common embarraſſments and delay, which the 'moſt anxious ſolicitude and perſevering diligence 'could not prevent. To form a permanent union, 'accommodated to the opinion and wiſhes of the 'delegates of ſo many ſtates, differing in habits, 'produce, commerce and internal police, was 'found to be a work which nothing but time and 'reflection, conſpiring with a diſpoſition to con-'ciliate, could mature and accompliſh.

'HARDLY is it to be expected that any plan, in 'the variety of proviſions eſſential to our union, 'ſhould exactly correſpond with the maxims and 'political views of every particular ſtate. Let it 'be remarked, that, after the moſt careful enqui-'ry and the fulleſt information, this is propoſed 'as the beſt which could be adapted to the cir-

'cumſtances of all, and as that alone which affords 'any tolerable proſpect of a general ratification.

'PERMIT us, then, earneſtly to recommend 'theſe articles to the immediate and diſpaſſionate 'attention of the legiſlatures of the reſpective 'ſtates. Let them be candidly received under 'a ſenſe of the difficulty of combining, in one 'general ſyſtem, the various ſentiments and in-'tereſts of a continent divided into ſo many ſo-'vereign and independent communities, under a 'conviction of the abſolute neceſſity of uniting 'all our councils, and all our ſtrength, to main-'tain and defend our common liberties. Let 'them be examined with a liberality becoming 'brethren and fellow-citizens, ſurrounded by the 'ſame imminent dangers, contending for the ſame 'illuſtrious prize, and deeply intereſted in being 'for-ever bound and connected together by ties 'the moſt intimate and indiſſoluble—and, final-'ly, let them be adjudged with the temper and 'magnanimity of wiſe and patriotick legiſlators, 'who, while they are concerned for the proſperity 'of their own more immediate circle, are capable 'of riſing ſuperior to local attachments, when 'they may be incompatible with the ſafety, hap-'pineſs and glory of the general confederacy. 'We have reaſon to regret the time which has 'elapſed in preparing this plan for conſideration; 'with additional ſolicitude we look forward to 'that which muſt be neceſſarily ſpent before it 'can be ratified. Every motive loudly calls upon 'us to haſten its concluſion.'

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THE ſolemn diſcuſſion which this grand bond of fœderal union underwent, both in Congreſs and the different ſtates, delayed the ſubſcription of it till the 9th of July 1778. Difficulties relative to the property and diſpoſal of the back unappropriated lands occaſioned ſome of the ſmall ſtates, who had no vacant weſtern territory, to delay ſtill longer. The ſmall ſtates, with great juſtice, contended that the unappropriated weſtern country ſhould be the common property of the union, and pledged as a fund for ſinking the continental debt. Some explications on this ſubject having taken place, on the firſt of March 1781 the ſtate of Maryland completed the confederation by their delegates ſubſcribing the ſame. She concurred in this meaſure as well from a deſire to perpetuate and ſtrengthen the union, as from a confidence in the juſtice and generoſity of the larger ſtates—that, ſuperior to local intereſts, they would conſent to ſuch arrangements of the unappropriated lands, included in their reſpective charters, as good policy required, and the great exertions of their ſtate in the common cauſe had ſo highly deſerved. By this common cement of the thirteen ſtates the government of South-Carolina, as well as that of the other parts of the confederacy, has become ſomewhat complex. The individual ſtates are ſovereign in all matters of internal polity, but are ſubject to the control of Congreſs with reſpect to peace and war—ſending and receiving ambaſſadors—building and equipping a navy—requiſitions for men and money for the common

common defence—regulating the alloy and value of coin—fixing the ſtandard of weights and meaſures—regulating the trade, and managing all affairs with the Indians not members of any of the ſtates—eſtabliſhing and regulating poſt-offices from one ſtate to another—eſtabliſhing rules for deciding, in all caſes, what captures on land or water ſhall be legal, or in what manner prizes ſhall be appropriated—granting letters of marque and repriſal in times of peace—appointing courts for the trial of piracies and felonies committed on the high ſeas—or of eſtabliſhing courts for receiving and determining finally appeals in all caſes of capture—and deciding, on appeal, all diſputes and differences between two or more ſtates concerning boundary juriſdiction, or any other cauſe whatever. It ſeems to have been the ſpirit of the confederation, that the ſeparate ſtates ſhould be ſovereign in all their internal concerns, but that they ſhould be ſubject to Congreſs in all matters in which the whole union was intereſted, and for the effecting of which the ſeparate local legiſlatures were inadequate. [dd] In return for this portion of ſovereignty, delegated to the continental Congreſs, the individual ſtates are entitled to the protection of the whole confederacy.

Soon after the Britiſh commiſſioners were convinced of the inefficacy of negotiation, to effect a reunion of the colonies with Great-Britain, the war recommenced, but entirely on a new ſyſtem. Hitherto

[dd] See note XXIX.

Hitherto the conqueſt of America had been attempted by proceeding from north to ſouth; but that order was from this period inverted. The northern ſtates in their turn obtained a diminution of their calamities, while South-Carolina, and the adjacent ſettlements, became the principal theatre of offenſive operations.

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NOTE I. PAGE 16.

An act to diſcontinue, in ſuch manner and for ſuch time as are therein mentioned, the landing and diſcharging, lading and ſhipping of goods and wares, or merchandize, at the town, and within the harbour of Boſton, in the province of Maſſachuſetts-Bay, in North-America.

WHEREAS dangerous commotions and inſurrections have been fomented and raiſed in the town of Boſton, in the province of Maſſachuſetts-Bay, in New-England, by divers ill-affected perſons, to the ſubverſion of his majeſty's government, and to the utter deſtruction of the publick peace and good order of the ſaid town, in which commotions and inſurrections certain

valuable cargoes of teas, being the property of the Eaſt-India company, and on board certain veſſels, lying within the bay or harbour of Boſton, were ſeized and deſtroyed: and whereas, in the preſent condition of the ſaid town and harbour, the commerce of his majeſty's ſubjects cannot ſafely be carried on there, nor the cuſtoms, payable to his majeſty, duly collected; and it is therefore expedient that the officers of his majeſty's cuſtoms ſhould be forthwith removed from the ſaid town;

MAY it pleaſe your majeſty that it may be enacted, and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that, from and after the firſt day of June 1774, it ſhall not be lawful for any perſon or perſons whatſoever, to lade or put, or cauſe to be laden and put, off and from any quay, wharf, or other place within the ſaid town of Boſton, or in or upon any part of the ſhore of the bay, commonly called the harbour of Boſton, between a certain headland or point called Nahant-Point on the eaſtern ſide of the entrance into the ſaid bay, and a certain other headland or point called Alderton-Point, on the weſtern ſide of the entrance into the ſaid bay, or in or upon any iſland, creek, landing-place, bank or other place, within the ſaid bay or headlands, into any ſhip, veſſel, lighter, boat, or bottom, any

any goods, wares, or merchandize whatſoever, to be tranſported or carried into any other country, province or place whatſoever, or into any other part of the ſaid province of the Maſſachuſetts-Bay in New-England; or to take up, diſcharge, or lay on land, or cauſe or procure to be taken up, diſcharged, or laid on land, within the ſaid town, or in or upon any of the places aforeſaid, out of any boat, lighter, ſhip, veſſel or bottom, any goods, wares or merchandize whatſoever, to be brought from any other country, province, or place, or any other part of the ſaid province, of the Maſſachuſetts-Bay, in New-England, upon pain of the forfeiture of the ſaid goods, wares and merchandize, and of the ſaid boat, lighter, ſhip, veſſel or other bottom into which the ſame ſhall be put, or out of which the ſame ſhall be taken, and of guns, ammunition, tackle, furniture and ſtores, in or belonging to the ſame; and if any ſuch goods, wares or merchandize, ſhall, within the ſaid town, or in any the places aforeſaid, be laden, or taken in from the ſhore, into any barge, hoy, lighter, wherry, or boat, from or out of any ſhip or veſſel, coming in and arriving from any other country or province, or other part of the province of the Maſſachuſetts-Bay in New-England, ſuch barge, hoy, lighter, wherry or boat, ſhall be forfeited and loſt.

And be it further enacted by the authority aforeſaid, that if any wharfinger, or keeper of any wharf,

wharf, crane or quay, or their ſervants, or any of them, ſhall take up and land, or knowingly ſuffer to be taken up and landed, or ſhall ſhip off, or ſuffer to be waterborne, at or from any of the ſaid wharves, cranes or quays, any ſuch goods, wares or merchandize; in every ſuch caſe, all and every wharfinger and keeper of ſuch wharves, cranes and quays, and every perſon whatſoever who ſhall be aſſiſting, or otherwiſe concerned in the ſhipping, or in the loading, or putting on board any boat or other veſſel, for that purpoſe, or in the unſhipping ſuch goods, wares and merchandize or to whoſe hands the ſame ſhall knowingly come, after the loading, ſhipping or unſhipping thereof, ſhall forfeit and loſe treble the value thereof, to be computed from the higheſt price which ſuch ſort of goods, wares and merchandize ſhall bear at the place where ſuch offence ſhall be committed, at the time when the ſame ſhall be ſo committed, together with the veſſels and boats, and all the horſes, cattle and carriages whatſoever made uſe of in the ſhipping, unſhipping, landing, removing, carriage or conveyance of any of the aforeſaid goods, wares and merchandize.

And be it further enacted by the authority aforeſaid, that if any ſhip or veſſel ſhall be moored, or lie at anchor, or be ſeen hovering within the ſaid bay, deſcribed and bounded as aforeſaid, or within one league of the ſaid bay ſo deſcribed, or the ſaid headlands, or any of the iſlands lying

between

between or within the ſame, it ſhall and may be lawful for any admiral, chief commander, or commiſſioned officer, of his majeſty's fleet or ſhips of war, or for any officer of his majeſty's cuſtoms, to compel ſuch ſhip or veſſel to depart to ſome other port or harbour, or to ſuch ſtation as the ſaid officer ſhall appoint, and to uſe ſuch force for that purpoſe as ſhall be found neceſſary; and if ſuch ſhip or veſſel ſhall not depart accordingly, within ſix hours after notice for that purpoſe given by ſuch perſons as aforeſaid, ſuch ſhip or veſſel, together with all the goods laden on board thereon, and all the guns, ammunition, tackle and furniture, ſhall be forfeited and loſt, whether bulk ſhall have been broken or not.

Provided always, that nothing in this act contained ſhall extend, or be conſtrued to extend to any military or other ſtores for his majeſty's uſe, or to the ſhips or veſſels wherein the ſame ſhall be laden, which ſhall be commiſſioned by, and in the immediate pay of his majeſty, his heirs or ſucceſſors; nor to any fuel or victuals brought coaſtwiſe from any part of the continent of America, for the neceſſary uſe and ſuſtenance of the inhabitants of the ſaid town of Boſton, provided the veſſel wherein the ſame are to be carried ſhall be duly furniſhed with a cocket, and let paſs after having been duly ſearched by the proper officer of his majeſty's cuſtoms at Marblehead, in the port of Salem, in the ſaid province of Maſſachuſetts-Bay; and that ſome officer of his majeſty's

cuſtoms

cuſtoms be alſo there put on board the ſaid veſſel, who is hereby authorized to go on board, and proceed with the ſaid veſſel, together with a ſufficient number of perſons, properly armed for his defence, to the ſaid town or harbour of Boſton; nor to any ſhips or veſſels which may happen to be within the ſaid harbour of Boſton, on or before the firſt day of June 1774, and may have either laden or taken on board, or be there with intent to load or take on board, or to land or diſcharge any goods, wares and merchandize, provided the ſaid ſhips and veſſels do depart the ſaid harbour, within fourteen days after the ſaid firſt day of June 1774.

And be it further enacted by the authority aforeſaid, that all ſeizures, penalties and forfeitures, inflicted by this act, ſhall be made and proſecuted by any admiral, chief commander, or commiſſioned officer of his majeſty's fleet or ſhips of war, or by the officers of his majeſty's cuſtoms, or ſome of them, or by ſome other perſon deputed or authorized by warrant from the lord high treaſurer, or the commiſſioners of his majeſty's treaſury for the time being, and no other perſon whatſoever: and if any ſuch officer, or other perſon authorized as aforeſaid ſhall, directly or indirectly, take or receive any bribe or reward to connive at ſuch lading or unlading, or ſhall make or commence any colluſive ſeizure, information or agreement for that purpoſe, or ſhall do any other act whatſoever, whereby the goods,

goods, wares and merchandize prohibited as aforeſaid, ſhall be ſuffered to paſs either inwards or outwards, or whereby the forfeitures and penalties inflicted by this act may be evaded, every ſuch offender ſhall forfeit the ſum of five hundred pounds for every ſuch offence, and ſhall become incapable of any office or employment civil or military: and every perſon who ſhall give, offer or promiſe, any ſuch bribe or reward, or ſhall contract, agree, or treat with any perſon ſo authorized as aforeſaid to commit any ſuch offence, ſhall forfeit the ſum of fifty pounds.

And be it further enacted by the authority aforeſaid, that the forfeitures and penalties inflicted by this act ſhall and may be proſecuted, ſued for and recovered, and be divided, paid and applied, in like manner as other penalties and forfeitures inflicted by any act or acts of parliament, relating to the trade and revenues of the Britiſh colonies or plantations in America, are directed to be proſecuted, ſued for or recovered, divided, paid and applied by two ſeveral acts of parliament, the one paſſed in the fourth year of his preſent majeſty, entitled, 'An act for granting 'certain duties in the Britiſh colonies and plan-'tations in America, for continuing, amending 'and making perpetual an act paſſed in the ſixth 'year of the reign of his late majeſty King 'George the ſecond, entitled, An act for the 'better ſecuring and encouraging the trade of 'his majeſty's ſugar-colonies in America, for

'applying

'applying the produce of ſuch duties, and the 'duties to ariſe by virtue of the aforeſaid act to- 'wards defraying the expences of protecting and 'ſecuring the ſaid colonies and plantations; for 'explaining an act made in the twenty-fifth year 'of the reign of King Charles the ſecond, en- 'titled, An act for the encouragement of the 'Greenland and Eaſtland trades; and for the 'better ſecuring the plantation trade; and for 'altering and diſallowing ſeveral drawbacks on 'exports from this kingdom; and more effectu- 'ally preventing the clandeſtine conveyance of 'goods to and from the ſaid colonies and plan- 'tations, and improving and ſecuring the trade 'between the ſame and Great-Britain:' The other paſſed in the eighth year of his preſent majeſty's reign, entitled, 'An act for the more 'eaſy and effectual recovery of the penalties and 'forfeitures inflicted by the acts of parliament 'relating to the trade or revenues of the Britiſh 'colonies and plantations in America.'

AND be it further enacted by the authority aforeſaid, that every charter-party, bill of lading, and other contract for conſigning, ſhipping, or carrying any goods, wares and merchandize whatſoever, to or from the ſaid town of Boſton, or any part of the bay or harbour thereof deſcribed as aforeſaid, which have been made or entered into, or which ſhall be made or entered into, ſo long as this act ſhall remain in full force, relating to any ſhip which ſhall arrive at the ſaid

town

town or harbour, after the firſt day of June 1774, ſhall be, and the ſame are hereby declared to be utterly void, to all intents and purpoſes whatſoever.

And be it further enacted by the authority aforeſaid, that whenever it ſhall be made to appear to his majeſty in his privy-council, that peace and obedience to the laws ſhall be ſo far reſtored in the ſaid town of Boſton, that the trade of Great-Britain may be ſafely carried on there, and his majeſty's cuſtoms duly collected, and his majeſty, in his privy-council, ſhall adjudge the ſame to be true, it ſhall and may be lawful for his majeſty, by proclamation, or order of council, to aſſign and point the extent, bounds and limits of the town and harbour of Boſton, and of every creek or haven within the ſame, or in the iſlands within the precinct thereof; and alſo to aſſign and appoint ſuch and ſo many places, quays and wharves, within the ſaid harbour, creeks, havens and iſlands, for the landing, diſcharging, lading, and ſhipping of goods, as his majeſty, his heirs or ſucceſſors, ſhall judge neceſſary and expedient; and alſo to appoint ſuch and ſo many officers of the cuſtoms therein as his majeſty ſhall think fit; after which it ſhall be lawful for any perſon or perſons to lade, or put off from, or to diſcharge and land upon, ſuch wharves, quays and places, ſo appointed within the ſaid harbour, and none other, any goods wares and merchandize whatever.

PROVIDED always, that if any goods, wares or merchandize, ſhall be laden or put off from, or diſcharged or landed upon, any other place, than the quays, wharves, or places ſo to be appointed, the ſame, together with the ſhips, boats, and other veſſels employed therein, and the horſes, or other cattle and carriages uſed to convey the ſame, and the perſon or perſons concerned or aſſiſting therein, or to whoſe hands the ſame ſhall knowingly come, ſhall ſuffer all the forfeitures and penalties impoſed by this or any other act on the illegal ſhipping or landing of goods.

PROVIDED alſo, and it is hereby declared and enacted, that nothing herein contained ſhall extend, or be conſtrued, to enable his majeſty to appoint ſuch port, harbour, creeks, quays, wharves, places, or officers, in the ſaid town of Boſton, or in the ſaid bay or iſlands, until it ſhall ſufficiently appear to his majeſty, that full ſatisfaction hath been made by or on behalf of the inhabitants of the ſaid town of Boſton, to the united company of merchants of England, trading to the Eaſt-Indies, for the damages ſuſtained by the ſaid company, by the deſtruction of their goods ſent to the ſaid town of Boſton, on board certain ſhips or veſſels as aforeſaid, and until it ſhall be certified to his majeſty in council, by the governor or lieutenant-governor of the ſaid province, that reaſonable ſatisfaction hath been made to the officers of his majeſty's revenue, and others who ſuffered by the riots and inſurrections above-

mentioned,

mentioned, in the months of November and December, in the year 1773, and in the month of January 1774.

And be it further enacted by the authority aforeſaid, that if any action or ſuit ſhall be commenced, either in Great-Britain or America, againſt any perſon or perſons, for any thing done in purſuance of this act of parliament, the defendant or defendants in ſuch action or ſuits, may plead the general iſſue, and give the ſaid act, and the ſpecial matter in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance, and by the authority of this act; and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be non-ſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared; or if judgment ſhall be given on any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame, as defendants have in other caſes by law.

NOTE

NOTE II. PAGE 16.

An act for the better regulating the government of the province of the Maſſachuſetts-Bay, in New-England.

WHEREAS by letters patent under the great ſeal of England, made in the third year of the reign of their late majeſties King William and Queen Mary, for uniting, erecting, and incorporating the ſeveral colonies, territories, and tracts of land therein mentioned, into one real province, by the name of their majeſties province of the Maſſachuſetts-Bay, in New-England, whereby it was, amongſt other things, ordained and eſtabliſhed, that the governor of the ſaid province ſhould, from thenceforth, be appointed and commiſſionated by their majeſties, their heirs and ſucceſſors: it was however granted and ordained, that from the expiration of the term, for, and during which the eight and twenty perſons, named in the ſaid letters patent, were appointed to be the firſt counſellors or aſſiſtants to the governor of the ſaid province for the time being, the aforeſaid number of eight and twenty counſellors or aſſiſtants ſhould yearly, once in every year, for-ever thereafter, be, by the general court or aſſembly, newly choſen: and whereas the ſaid method of electing ſuch counſellors or aſſiſtants, to be veſted with the ſeveral powers, authorities and privileges therein mentioned, although conformable

formable to the practice, theretofore uſed, in ſuch of the colonies thereby united, in which the appointment of the reſpective governors had been veſted in the general courts or aſſemblies of the ſaid colonies, hath, by repeated experience, been found to be extremely ill-adapted to the plan of government eſtabliſhed in the province of the Maſſachuſetts-Bay, by the ſaid letters patent herein before mentioned, and hath been ſo far from contributing to the attainment of the good ends and purpoſes thereby intended, and to the promoting of the internal welfare, peace and good government, of the ſaid province, or to the maintenance of the juſt ſubordination to, and conformity with the laws of Great-Britain, that the manner of exerciſing the powers, authorities, and privileges aforeſaid, by the perſons ſo annually elected, hath for ſome time paſt been ſuch as had the moſt manifeſt tendency to obſtruct, and in great meaſure defeat the execution of the laws, to weaken the attachment of his majeſty's well-diſpoſed ſubjects in the ſaid province to his majeſty's government, and to encourage the ill-diſpoſed among them to proceed even to acts of direct reſiſtance to, and defiance of, his majeſty's authority; and it hath accordingly happened, that an open reſiſtance to the execution of the laws hath actually taken place in the town of Boſton and the neighbourhood thereof, within the ſaid province: and whereas it is, under theſe circumſtances, become abſolutely neceſſary, in order to the preſervation of the peace and good

order

order of the ſaid province, the protection of his majeſty's well-diſpoſed ſubjects therein reſident, the continuance of the mutual benefits ariſing from the commerce and correſpondence between this kingdom and the ſaid province, and the maintaining of the juſt dependence of the ſaid province, upon the crown and parliament of Great-Britain, that the ſaid method of annually electing the counſellors or aſſiſtants of the ſaid province ſhould no longer be ſuffered to continue, but that the appointment of the ſaid counſellors or aſſiſtants ſhould henceforth be put upon the like footing as is eſtabliſhed in ſuch other of his majeſty's colonies or plantations in America, the governors whereof are appointed by his majeſty's commiſſion under the great ſeal of Great-Britain: Be it therefore enacted, by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, that, from and after the firſt day of Auguſt, one thouſand ſeven hundred and ſeventy-four, ſo much of the charter granted by their majeſties King William and Queen Mary, to the inhabitants of the ſaid province of the Maſſachuſetts-Bay, in New-England, and all and every clauſe, matter and thing, therein contained, which relates to the time and manner of electing the aſſiſtants or counſellors for the ſaid province, be revoked, and are hereby revoked and made void and of none

none effect; and that the offices of all counſellors and aſſiſtants, elected and appointed in purſuance thereof, ſhall from thenceforth ceaſe and determine: and that, from and after the ſaid firſt day of Auguſt, one thouſand ſeven hundred and ſeventy-four, the council or court of aſſiſtants of the ſaid province, for the time being, ſhall be compoſed of ſuch of the inhabitants or proprietors of lands within the ſame, as ſhall be thereunto nominated and appointed by his majeſty, his heirs and ſucceſſors, from time to time, by warrant under his or their ſignet, or ſign-manual, and with the advice of the privy-council, agreeable to the practice now uſed in reſpect to the appointment of counſellors in ſuch of his majeſty's other colonies in America, the governors whereof are appointed by commiſſion under the great ſeal of Great-Britain: provided, that the number of the ſaid aſſiſtants or counſellors ſhall not at any one time exceed thirty-ſix, nor be leſs than twelve.

And it is hereby further enacted, that the ſaid aſſiſtants or counſellors, ſo to be appointed as aforeſaid, ſhall hold their offices reſpectively, for and during the pleaſure of his majeſty, his heirs or ſucceſſors, and ſhall have and enjoy all the powers, privileges and immunities, at preſent held, exerciſed, and enjoyed by the aſſiſtants or counſellors of the ſaid province, conſtituted and elected from time to time, under the ſaid charter, except as herein after excepted; and ſhall alſo, upon their admiſſion into the ſaid council,

and

and before they enter upon the execution of their offices, reſpectively take the oaths, and make, repeat and ſubſcribe, the declarations required, as well by the ſaid charter as by any law or laws of the ſaid province now in force, to be taken by the aſſiſtants or counſellors, who have been ſo elected and conſtituted as aforeſaid.

And be it further enacted by the authority aforeſaid, that, from and after the firſt day of July, one thouſand ſeven hundred and ſeventy-four, it ſhall and may be lawful for his majeſty's governor, for the time being, of the ſaid province, or, in his abſence, for the lieutenant-governor, to nominate and appoint, under the ſeal of the province, from time to time, and alſo to remove, without the conſent of the council, all judges of the inferior courts of common-pleas, commiſſioners of oyer and terminer, the attorney-general, provoſts, marſhals, juſtices of the peace, and other officers to the council or courts of juſtice belonging; and that all judges in the inferior courts of common-pleas, commiſſioners of oyer and terminer, the attorney-general, provoſts, marſhals, juſtices, and other officer ſo appointed by the governor, or, in his abſence, by the lieutenant-governor, alone, ſhall and may have, hold and exerciſe, their ſaid offices, powers and authorities, as fully and completely, to all intents and purpoſes, as any judges of the inferior courts of common-pleas, commiſſioners of oyer and terminer,

miner, attorney-general, provoſts, marſhals or other officers, have or might have done heretofore under the ſaid letters patent, in the third year of the reign of their late majeſties King William and Queen Mary; any law, ſtatute or uſage, to the contrary notwithſtanding.

PROVIDED always, and be it enacted, that nothing herein contained, ſhall extend, or be conſtrued to extend, to annul or make void, the commiſſion granted before the ſaid firſt day of July, one thouſand ſeven hundred and ſeventy-four, to any judges of the inferior courts of common-pleas, commiſſioners of oyer and terminer, the attorney-general, provoſts, marſhals, juſtices of the peace, or other officers; but that they may hold and exerciſe the ſame, as if this act had never been made, until the ſame ſhall be determined by death, removal by the governor, or other avoidance, as the caſe may happen.

AND be it further enacted by the authority aforeſaid, that, from and after the ſaid firſt day of July, one thouſand ſeven hundred and ſeventy-four, it ſhall and may be lawful for his majeſty's governor, or, in his abſence, for the lieutenant-governor, for the time being, of the ſaid province, from time to time, to nominate and appoint the ſheriffs without the conſent of the council, and to remove ſuch ſheriffs with ſuch conſent, and not otherwiſe.

And be it further enacted by the authority aforeſaid, that, upon every vacancy of the offices of chief-juſtice and judges of the ſuperior court of the ſaid province, from and after the ſaid firſt day of July, one thouſand ſeven hundred and ſeventy-four, the governor for the time being, or, in his abſence, the lieutenant-governor, without the conſent of the council, ſhall have full power and authority to nominate and appoint the perſons to ſucceed to the ſaid offices, who ſhall hold their commiſſions during the pleaſure of his majeſty, his heirs and ſucceſſors; and that neither the chief-juſtice or judges appointed before the ſaid firſt day of July, one thouſand ſeven hundred and ſeventy-four, nor thoſe who ſhall hereafter be appointed purſuant to this act, ſhall be removed unleſs by the order of his majeſty, his heirs or ſucceſſors, under his or their ſign-manual.

And whereas, by ſeveral acts of the general court, which have been from time to time enacted and paſſed within the ſaid province, the freeholders and inhabitants of the ſeveral townſhips, diſtricts and precincts; qualified as is therein expreſſed, are authorized to aſſemble together, annually or occaſionally, upon notice given, in ſuch manner as the ſaid acts direct, for the choice of ſelectmen, conſtables and other officers, and for the making and agreeing upon ſuch neceſſary rules, orders and by-laws, for the directing, managing and ordering, the prudential affairs of

ſuch

ſuch townſhips, diſtricts and precincts, and for other purpoſes: and whereas, a great abuſe has been made of the power of calling ſuch meetings, and the inhabitants have, contrary to the deſign of their inſtitution, been miſled to treat upon matters of the moſt general concern, and to paſs many dangerous and unwarrantable reſolves: for remedy whereof, be it enacted, that, from and after the ſaid firſt day of Auguſt, one thouſand ſeven hundred and ſeventy-four, no meeting ſhall be called by the ſelectmen, or at the requeſt of any number of freeholders of any townſhip, diſtrict or precinct, without the leave of the governor, or, in his abſence, of the lieutenant-governor, in writing, expreſſing the ſpecial buſineſs of the ſaid meeting, firſt had and obtained, except the annual meeting in the months of March or May, for the choice of ſelectmen, conſtables and other officers, or except for the choice of perſons to fill up the offices aforeſaid, on the death or removal of any of the perſons firſt elected to ſuch offices, and alſo, except any meeting for the election of a repreſentative or repreſentatives in the general court; and that no other matter ſhall be treated of at ſuch meetings, except the election of their aforeſaid officers or repreſentatives, nor at any other meeting, except the buſineſs expreſſed in the leave given by the governor, or, in his abſence, by the lieutenant-governor.

And whereas the method at preſent uſed in the province of Maſſachuſetts-Bay, in America, of

of electing perſons to ſerve on grand-juries, and other juries, by the freeholders and inhabitants of the ſeveral towns, affords occaſion for many evil practices, and tends to pervert the free and impartial adminiſtration of juſtice: for remedy whereof, be it further enacted by the authority aforeſaid, that, from and after the reſpective times appointed for the holding the general ſeſſions of the peace in the ſeveral counties within the ſaid province, next after the month of September, one thouſand ſeven hundred and ſeventy-four, the jurors to ſerve at the ſuperior courts of judicature, courts of aſſize, general gaol-delivery, general ſeſſions of the peace, and inferior courts of common-pleas, in the ſeveral counties within the ſaid province, ſhall not be elected, nominated or appointed, by the freeholders and inhabitants of the ſeveral towns within the ſaid reſpective counties, nor ſummoned or returned by the conſtables of the ſaid towns; but that from thenceforth, the jurors to ſerve at the ſuperior courts of judicature, courts of aſſize, general gaol-delivery, general ſeſſions of the peace, and inferior courts of common-pleas, within the ſaid province, ſhall be ſummoned and returned by the ſheriffs of the reſpective counties within the ſaid province; and all writs of Venire Facias, or other proceſs or warrants, to be iſſued for the return of jurors to ſerve at the ſaid courts, ſhall be directed to the ſheriffs of the ſaid counties reſpectively; any law, cuſtom or uſage, to the contrary notwithſtanding.

PROVIDED

PROVIDED always, and be it further enacted by the authority aforeſaid, that where-ever the ſheriff of any county ſhall happen to be a party, or intereſted or related to any party or perſon intereſted in any proſecution or ſuit depending in any of the ſaid courts; that then, in ſuch caſe, the writ of Venire Facias, or other proceſs or warrant for the ſummoning and returning of a jury for the trial of ſuch proſecution or ſuit, ſhall be directed to, and executed by, the coroner of ſuch county; and in caſe ſuch coroner ſhall be alſo a party, or intereſted in, or related to, any party or perſon intereſted in ſuch proſecution or ſuit, then the Venire Facias, or other proceſs or warrant, for the ſummoning and return of a jury for the trial of ſuch proſecution or ſuit, ſhall be directed to, and executed by, a proper and indifferent perſon, to be appointed for that purpoſe by the court wherein ſuch proſecution or ſuit ſhall be depending.

AND that all ſheriffs may be the better informed of perſons qualified to ſerve on juries at the ſuperior courts of judicature, courts of aſſize, general gaol-delivery, general ſeſſions of the peace, and inferior courts of common-pleas, within the ſaid province, be it further enacted by the authority aforeſaid, that the conſtables of the reſpective towns, within the ſeveral counties of the ſaid province, ſhall, at the general ſeſſions of the peace to be holden for each county, next after the month of September in every year, upon

upon the firſt day of the ſaid ſeſſions, return and deliver to the juſtices of the peace in open court, a true liſt, in writing, of the names and places of abode of all perſons within the reſpective towns for which they ſerve, or the diſtricts thereof, qualified to ſerve upon juries, with their titles and additions, between the age of one and twenty years, and the age of ſeventy years; which ſaid juſtices, or any two of them, at the ſaid ſeſſions in the reſpective counties, ſhall cauſe to be delivered a duplicate of the aforeſaid liſts, by the clerk of the peace of every county, to the ſheriffs, or their deputies, within ten days after ſuch ſeſſions, and cauſe each of the ſaid liſts to be fairly entered in a book by the clerk of the peace, to be by him provided, and kept for that purpoſe amongſt the records of the ſaid court; and no ſheriff ſhall impannel or return any perſon or perſons to ſerve upon any grand-jury or petit-jury whatſoever, in any of the ſaid courts that ſhall not be named or mentioned in ſuch liſt: and, to prevent a failure of juſtice, through the neglect of conſtables to make ſuch returns of perſons qualified to ſerve on juries, as in and by this act is directed, the clerks of the peace of the ſaid ſeveral counties are hereby required and commanded, twenty days at leaſt next before the month of September, yearly and every year, to iſſue forth precepts or warrants, under their reſpective hands and ſeals, to the reſpective conſtables of the ſeveral towns within the ſaid reſpective counties, requiring them and every of them,

them, to make ſuch return of perſons qualified to ſerve upon juries as hereby reſpectively directed; and every conſtable failing at any time to make and deliver ſuch return to the juſtices in open court, as aforeſaid, ſhall forfeit and incur the penalty of five pounds ſterling to his majeſty and his ſucceſſors; to be recovered by bill, plaint or information, to be proſecuted in any of the courts aforeſaid; and in order that the conſtables may be the better enabled to make complete liſts of all perſons qualified to ſerve on juries, the conſtables of the ſeveral towns ſhall have free liberty, at all ſeaſonable times, upon requeſt by them made to any officer or officers, who ſhall have in his or their cuſtody any book or account of rates or taxes on the freehoders or inhabitants within ſuch reſpective towns, to inſpect the ſame, and take from thence the names of ſuch perſons qualified to ſerve on juries, dwelling within the reſpective towns for which ſuch liſts are to be given in and returned purſuant to this act; and ſhall, in the month of September, yearly and every year, upon two or more Sundays, fix upon the door of the church, chapel, and every other publick place of religious worſhip within their reſpective precincts, a true and exact liſt of all ſuch perſons intended to be returned to the ſaid general ſeſſions of the peace, as qualified to ſerve on juries, purſuant to the directions of this act; and leave, at the ſame time, a duplicate of ſuch liſt with the town-clerk of the ſaid place, to be peruſed by the freeholders and inhabitants thereof,

of, to the end, that notice may be given of perſons duly qualified who are omitted, or of perſons inſerted by miſtake who ought to be omitted out of ſuch liſts; and it ſhall and may be lawful to and for the juſtices, at the general ſeſſions of the peace to which the ſaid liſts ſhall be ſo returned, upon due proof made before them of any perſon or perſons duly qualified to ſerve on juries being omitted in ſuch liſts, or of any perſon or perſons being inſerted therein who ought to have been omitted, to order his or their name or names to be inſerted or ſtruck out, as the caſe may require: and in caſe any conſtable ſhall wilfully omit, out of ſuch liſt, any perſon or perſons, whoſe name or names ought to be inſerted, or ſhall wilfully inſert any perſon or perſons who ought to be omitted, every conſtable ſo offending, ſhall, for every perſon ſo omitted or inſerted in ſuch liſt, contrary to the true intent and meaning of this act, be fined by the ſaid juſtices, in the ſaid general ſeſſions of the peace, in the ſum of forty ſhillings ſterling.

PROVIDED always, and be it enacted by the authority aforeſaid, that in caſe default ſhall at any time hereafter be made, by any conſtable or conſtables, to return liſts of perſons qualified to ſerve on juries within any of the ſaid towns to the ſaid court of general ſeſſions of the peace; then, and in ſuch caſe, it ſhall and may be lawful for the ſheriff of the county, in which ſuch default ſhall be made, to ſummon and return to

the ſeveral courts aforeſaid, or any of them, ſuch and ſo many perſons dwelling in ſuch towns, or the diſtricts thereof, qualified to ſerve on juries, as he ſhall think fit, to ſerve on juries at ſuch reſpective courts; any thing herein contained to the contrary thereof in anywiſe notwithſtanding.

And be it further enacted by the authority aforeſaid, that every ſummons of any perſon, to ſerve upon any of the juries at the ſaid courts, or any of them, ſhall be made by the ſheriff, or other perſon, ten days at leaſt before the holding of every ſuch court; and in caſe any juror, ſo to be ſummoned, be abſent from the uſual place of his habitation at the time of ſuch ſummons, notice of ſuch ſummons ſhall be given by leaving a note in writing, under the hand of ſuch ſheriff or perſon, containing the contents thereof, at the dwellinghouſe of ſuch juror, with ſome perſon inhabiting in the ſame.

Provided always, and be it further enacted by the authority aforeſaid, that in caſe a ſufficient number of perſons qualified to ſerve on juries ſhall not appear at the ſaid courts, or any of them, to perform the ſervice of grand or petit-jurors; that then, and in ſuch caſe, it ſhall be lawful for the ſaid court to iſſue a writ or precept to the ſheriff, requiring him to ſummon a ſufficient number of other perſons qualified to ſerve on juries immediately at ſuch court; and ſuch perſons

perſons are hereby required to appear and ſerve as jurors at the ſaid courts accordingly.

And be it further enacted by the authority aforeſaid, that no perſon who ſhall ſerve as a juror, at any of the ſaid courts, ſhall be liable to ſerve again as a juror at the ſame court, or any other of the courts aforeſaid, for the ſpace of three years then next following, except upon ſpecial juries.

And, in order that ſheriffs may be informed of the perſons who have ſerved as jurors, it is hereby further enacted by the authority aforeſaid, that every ſheriff ſhall prepare and keep a book or regiſter, wherein the names of all ſuch perſons who have ſerved as jurors, with their additions and places of abode, and the times when, and the courts in which they ſerved, ſhall be alphabetically entered and regiſtered, which books of regiſters ſhall, from time to time, be delivered over to the ſucceeding ſheriff of the ſaid county, within ten days after he ſhall enter upon his office; and every juror who ſhall attend and ſerve at any of the courts aforeſaid, may, at the expiration of the time of holding every ſuch court, upon application to the ſheriff or his deputy, have a certificate, immediately, gratis, from the ſheriff or his deputy, teſtifying ſuch his attendance and ſervice; which ſaid certificate the ſaid ſheriff, or his deputy, is required to give to every ſuch juror.

And be it further enacted by the authority aforeſaid, that if, by reaſon of challenges or otherwiſe, there ſhall not be a ſufficient number of jurors for the trial of any proſecution for any miſdemeanor, or any action depending in any of the ſaid courts; then, and in ſuch caſe, the jury ſhall be filled up de Talibus Circumſtantibus, to be returned by the ſheriff, unleſs he be a party, or intereſted, or related to any party or perſon intereſted in ſuch proſecution or action; and, in any of which caſes, to be returned by the coroner, unleſs he be a party, or intereſted or related to any party or perſon intereſted in ſuch proſecution or action; and, in any of theſe caſes, to be returned by a proper and indifferent perſon, to be appointed by the court for that purpoſe.

And be it further enacted by the authority aforeſaid, that in caſe any perſon ſummoned to ſerve upon the grand or petit-jury, at any of the courts aforeſaid, or upon the jury in any proſecution, action or ſuit, depending in any of the ſaid courts, ſhall not appear and ſerve at the ſaid courts, according to the ſaid ſummons, (not having any reaſonable excuſe, to be allowed by the judges or juſtices at ſuch court) he ſhall be fined by the judges or juſtices of ſuch court in any ſum not exceeding the ſum of ten pounds, nor leſs than twenty ſhillings ſterling.

And be it further enacted by the authority aforeſaid, that every ſheriff, or other officer, to whom

whom the Venire Facias, or other proceſs or warrant, for the trial of cauſes, or ſummoning of juries, ſhall be directed, ſhall, upon his return to every ſuch writ, or other proceſs or warrant, (unleſs in caſes where a ſpecial jury ſhall be ſtruck by order or rule of court, purſuant to this act) annex a pannel to the ſaid writ, or proceſs, or warrant, containing the chriſtian and ſurnames, additions and places of abode, of a competent number of jurors, named in ſuch liſts, which number of jurors ſhall not be leſs than twenty-four, nor more than forty-eight, without direction of the judges or juſtices of ſuch court or ſeſſion, or one of them, who are hereby reſpectively empowered and required, if he or they ſee cauſe, by order, under his or their reſpective hand or hands, to direct a greater number; and then ſuch number as ſhall be ſo directed ſhall be the number to be returned to ſerve on ſuch jury.

And be it further enacted by the authority aforeſaid, that for the trials of all actions or ſuits depending in any of the ſaid courts, the name of each and every perſon who ſhall be ſummoned and returned as aforeſaid, with his addition, and the place of his abode, ſhall be written in ſeveral and diſtinct pieces of parchment or paper, being all as near as may be of equal ſize and bigneſs, and ſhall be delivered unto the officer to be appointed by the court for that purpoſe, by the ſheriff, under-ſheriff, or ſome agent of his; and ſhall,

ſhall, by direction and care of ſuch officer, be rolled up all as near as may be, in the ſame manner, and put together in a box or glaſs, to be provided for that purpoſe; and when any cauſe ſhall be brought on to be tried, ſome indifferent perſon, by direction of the court, may and ſhall, in open court, draw out twelve of the ſaid parchments or papers, one after another, and if any of the perſons, whoſe names ſhall be ſo drawn, ſhall not appear, or ſhall be challenged, and ſuch challenge allowed, then ſuch perſon ſhall proceed to draw other parchments or papers from the ſaid box, till twelve indifferent perſons ſhall be drawn; which twelve indifferent perſons, being ſworn, ſhall be the jury to try the ſaid cauſe: and the names of the perſons ſo drawn and ſworn ſhall be kept apart by themſelves, in ſome other box or glaſs, to be kept for that purpoſe, till ſuch jury ſhall have given in their verdict, and the ſame is recorded, or until ſuch jury ſhall, by conſent of the parties, or leave of the court, be diſcharged; and then the ſame names ſhall be rolled up again, and returned to the former box or glaſs, there to be kept, with the other names remaining at that time undrawn, and ſo toties quoties, as long as any cauſe remains then to be tried.

And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the ſuperior court of aſſize, and court of common-pleas, upon motion made on behalf of his

his majeſty, his heirs or ſucceſſors, or on the motion of any proſecutor or defendant, in any indictment or information for any miſdemeanor depending, or to be brought or proſecuted in the ſaid court, or on the motion of any plaintiff or plaintiffs, defendant or defendants in any action, cauſe or ſuit whatſoever, depending, or to be brought and carried on in the ſaid court, and the ſaid court is hereby authorized and required, upon motion as aforeſaid, in any of the caſes before-mentioned, to order and appoint a jury to be ſtruck for the trial of any iſſue, joined in any of the ſaid caſes, and triable by a jury of twelve men, by ſuch officer of the ſaid court, as the court ſhall appoint; and for that purpoſe the ſheriff, or his deputy, ſhall attend ſuch officer with the duplicate of the liſts of perſons qualified to ſerve on juries; and ſuch officer ſhall thereupon take down, in writing, from the ſaid duplicate, the names of forty-eight perſons qualified to ſerve on juries, with their additions, and places of abode, a copy whereof ſhall forthwith be delivered to the proſecutors or plaintiffs, their attornies or agents, and another copy thereof to the defendants, their attornies or agents, in ſuch proſecutions and cauſes; and the ſaid officer of the court aforeſaid ſhall, at a time to be fixed by him for that purpoſe, ſtrike out the names of twelve of the ſaid perſons, at the nomination of the proſecutors or plaintiffs, their attornies or agents, and alſo the names of twelve others of the ſaid perſons, at the nomination of the ſaid defendants

defendants in ſuch proſecutions and ſuits, and the twenty-four remaining perſons ſhall be ſtruck and ſummoned, and returned to the ſaid court as jurors, for the trial of ſuch iſſues.

PROVIDED always, that in caſe the proſecutors or plaintiffs, or defendants, their attornies or agents, ſhall neglect or refuſe to attend the officer at the time fixed for ſtriking the names of twenty-four perſons as aforeſaid, or nominate the perſons to be ſtruck out; then, and in ſuch caſe, the ſaid officer ſhall, and he is hereby required to ſtrike out the names of ſuch number of the ſaid perſons as ſuch proſecutors or plaintiffs, or defendants, might have nominated to be ſtruck out.

AND be it further enacted, that the perſon or party who ſhall apply for ſuch ſpecial jury as aforeſaid, ſhall not only bear and pay the fees for ſtriking ſuch jury, but ſhall alſo pay and diſcharge all the expences occaſioned by the trial of the cauſe by ſuch ſpecial jury, and ſhall not have any further or other allowance for the ſame, upon taxation of coſts, than ſuch perſon or party would be entitled unto, in caſe the cauſe had been tried by a common jury, unleſs the judge, before whom the cauſe is tried, ſhall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the ſame was a cauſe proper to be tried by a ſpecial jury.

AND

And be it further enacted by the authority aforeſaid, that in all actions brought in any of the ſaid courts, where it ſhall appear to the court in which ſuch actions are depending, that it will be proper and neceſſary that the jurors who are to try the iſſues in any ſuch actions, ſhould have the view of the meſſuages, lands or place in queſtion, in order to their better underſtanding the evidence that will be given upon the trial of ſuch iſſues, in every ſuch caſe the reſpective courts in which ſuch actions ſhall be depending may order the jury to the place in queſtion, who then and there ſhall have the matters in queſtion ſhewn them by two perſons to be appointed by the court: and the ſpecial coſts of all ſuch views as allowed by the court, ſhall, before the trial, be paid by the party who moved for the view, (the adverſe party not conſenting thereto;) and ſhall, at the taxation of the bill of coſts, have the ſame allowed him, upon his recovering judgment in ſuch trial; and upon all views with the conſent of parties, ordered by the court, ſhall, before trial, be equally paid by the ſaid parties; and in the taxation of the bill of coſts, the party recovering judgment ſhall have the ſum by him paid allowed to him; any law, uſage or cuſtom, to the contrary notwithſtanding.

And be it further enacted by the authority aforeſaid, that if any action ſhall be brought againſt any ſheriff, for what he ſhall do in execution, or by virtue, of this act, he may plead the general

general iſſue, and give the ſpecial matter in evidence; and if a verdict ſhall be found for him, he ſhall recover treble coſts.

NOTE III. PAGE 16.

An act for the impartial adminiſtration of juſtice in the caſes of perſons queſtioned for any acts done by them in the execution of the law, or for the ſuppreſſion of riots and tumults, in the province of the Maſſachuſetts-Bay, in New-England.

WHEREAS in his majeſty's province of Maſſachuſetts-Bay, in New-England, an attempt hath lately been made to throw off the authority of the parliament of Great-Britain over the ſaid province, and an actual and avowed reſiſtance, by open force, to the execution of certain acts of parliament, hath been ſuffered to take place, uncontroled and unpuniſhed, in defiance of his majeſty's authority, and to the utter ſubverſion of all lawful government: and whereas, in the preſent diſordered ſtate of the ſaid province, it is of the utmoſt importance to the general welfare thereof, and to the re-eſtabliſhment of lawful authority throughout the ſame, that neither the magiſtrates acting in ſupport of the laws, nor any of his majeſty's ſubjects aiding and aſſiſting them therein, or in the ſuppreſſion of riots and tumults, raiſed in oppoſition to the execution of the laws and ſtatutes of this realm, ſhould be diſcouraged from

the proper diſcharge of their duty, by an apprehenſion, that in caſe of their being queſtioned for any acts done therein, they may be liable to be brought to trial for the ſame before perſons who do not acknowledge the validity of the laws, in the execution whereof, or the authority of the magiſtrate in the ſupport of whom, ſuch acts had been done: in order therefore to remove every ſuch diſcouragement from the minds of his majeſty's ſubjects, and to induce them, upon all proper occaſions, to exert themſelves in ſupport of the publick peace of the province, and of the authority of the King and parliament of Great-Britain over the ſame; Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that if any inquiſition or indictment ſhall be found, or if any appeal ſhall be ſued or preferred againſt any perſon, for murder or other capital offence, in the province of the Maſſachuſetts-Bay, and it ſhall appear, by information given upon oath to the governor, or in his abſence, to the lieutenant-governor of the ſaid province, that the fact was committed by the perſon againſt whom ſuch inquiſition or indictment ſhall be found, or againſt whom ſuch appeal ſhall be ſued or preferred, as aforeſaid, either in the execution of his duty as a magiſtrate, for the ſuppreſſion of riots, or in the ſupport of the laws of the revenue, or in acting in his duty as an officer of revenue, or in acting

under

under the direction and order of any magiſtrate for the ſuppreſſion of riots, or for carrying into effect the laws of revenue, or in aiding and aſſiſting in any of the caſes aforeſaid; and if it ſhall alſo appear, to the ſatisfaction of the ſaid governor, or lieutenant-governor reſpectively, that an indifferent trial cannot be had within the ſaid province, in that caſe, it ſhall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and conſent of the council, that the inquiſition, indictment, or appeal, ſhall be tried in ſome other of his majeſty's colonies, or in Great-Britain; and for that purpoſe, to order the perſon againſt whom ſuch inquiſition or indictment ſhall be found, or againſt whom ſuch appeal ſhall be ſued or preferred, as aforeſaid, to be ſent, under ſufficient cuſtody, to the place appointed for his trial, or to admit ſuch perſon to bail, taking a recognizance, (which the ſaid governor, or, in his abſence, the lieutenant-governor, is hereby authorized to take) from ſuch perſon, with ſufficient ſureties, to be approved of by the ſaid governor, or, in his abſence, the lieutenant-governor, in ſuch ſums of money as the ſaid governor, or, in his abſence, the lieutenant-governor, ſhall deem reaſonable, for the perſonal appearance of ſuch perſon, if the trial ſhall be appointed to be had in any other colony, before the governor, or lieutenant-governor, or commander in chief of ſuch colony; and if the trial ſhall be appointed to be had in Great-Britain, then before his majeſty's court of king's bench, at a time to

be

be mentioned in ſuch recognizances; and the governor, or lieutenant-governor, or commander in chief of the colony where ſuch trial ſhall be appointed to be had, or court of king's bench, where the trial is appointed to be had in Great-Britain, upon the appearance of ſuch perſon, according to ſuch recognizance, or in cuſtody, ſhall either commit ſuch perſon, or admit him to bail, until ſuch trial; and which the ſaid governor, or lieutenant-governor, or commander in chief, and court of king's bench, are hereby authorized and empowered to do.

And, to prevent a failure of juſtice, from the want of evidence on the trial of any ſuch inquiſition, indictment or appeal, be it further enacted, that the governor, or, in his abſence, the lieutenant-governor, ſhall, and he is hereby authorized and required to bind in recognizances to his majeſty all ſuch witneſſes as the proſecutor or perſon againſt whom ſuch inquiſition or indictment ſhall be found, or appeal ſued or preferred, ſhall deſire to attend the trial of the ſaid inquiſition, indictment or appeal, for their perſonal appearance, at the time and place of ſuch trial, to give evidence: and the ſaid governor, or, in his abſence, the lieutenant-governor, ſhall thereupon appoint a reaſonable ſum to be allowed for the expences of every ſuch witneſs, and thereupon give to each witneſs a certificate, in writing, under his hand and ſeal, that ſuch witneſs has entered into a recognizance to give evidence,

and

and ſpecifying the ſum allowed for his expences, and the collector and collectors of the cuſtoms, or one of them, within the ſaid province, upon the delivery of ſuch certificate, are and is hereby authorized and required, forthwith to pay to ſuch witneſs the ſum ſpecified therein for his expences.

And be it further enacted by the authority aforeſaid, that all proſecutors and witneſſes, who ſhall be under recognizances to appear in any of his majeſty's colonies in America, or Great-Britain, in purſuance of this act, ſhall be free from all arreſts and reſtraints, in any action or ſuit to be commenced againſt them during their going to ſuch colony, or coming to Great-Britain, and their neceſſary ſtay and abiding there, on occaſion of ſuch proſecution, and returning again to the ſaid province of the Maſſachuſetts-Bay.

And be it further enacted by the authority aforeſaid, that all and every his majeſty's juſtices of the peace, and other juſtices and coroners, before whom any perſon ſhall be brought, charged with murder, or other capital crime, where it ſhall appear by proof, on oath, to ſuch juſtices or coroners, that the fact was committed by ſuch perſon either in the execution of his duty as a magiſtrate, for the ſuppreſſion of riots, or in the ſupport of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magiſtrate, for the ſuppreſſion of riots, or for the carrying into

effect

effect the laws of revenue, or in aiding and aſſiſting in any of the caſes aforeſaid, are hereby authorized and required to admit every ſuch perſon ſo brought before him or them, as aforeſaid, to bail; any law, cuſtom or uſage, to the contrary thereof in anywiſe notwithſtanding.

And be it further enacted by the authority aforeſaid, that where it ſhall be made appear to the judges or juſtices of any court, within the ſaid province of Maſſachuſetts-Bay, by any perſon, againſt whom any inquiſition or indictment ſhall be found, or appeal ſued or preferred for murder, or other capital crime, that the fact was committed by ſuch perſon, either in the execution of his duty as a magiſtrate, for the ſuppreſſion of riots, or in the ſupport of the laws of revenue, or in acting in his duty as an officer of revenues, or in acting under the direction and order of any magiſtrate, for the ſuppreſſion of riots, or for the carrying into effect the laws of revenue, or aiding and aſſiſting in any of the caſes aforeſaid, and that he intends to make application to the governor, or lieutenant-governor of the ſaid province, that ſuch inquiſition, indictment or appeal, may be tried in ſome other of his majeſty's colonies, or in Great-Britain, the ſaid judges or juſtices are hereby authorized and required to adjourn or poſtone the trial of ſuch inquiſition, indictment or appeal, for a reaſonable time, and admit the perſon to bail, in order that he may make application to the governor, or lieutenant-governor, for the purpoſe aforeſaid.

And

And be it further enacted, that the governor, or, in his abſence, the lieutenant-governor, if he ſhall direct the trial to be had in any other of his majeſty's colonies, ſhall tranſmit the inquiſition, indictment or appeal, together with the recognizances of the witneſſes, and other recognizances, under the ſeal of the province, to the governor, or lieutenant-governor, or commander in chief of ſuch other colony, who ſhall immediately iſſue a commiſſion of oyer and terminer, and deliver, or cauſe to be delivered, the ſaid inquiſition, indictment or appeal, with the ſaid recognizances, to the chief-juſtice, and ſuch other perſons as have uſually been commiſſioners of oyer and terminer, juſtices of aſſize, or general gaol-delivery there; who ſhall have power to proceed upon the ſaid inquiſition, indictment or appeal, as if the ſame had been returned, found, or preferred before them; and the trial ſhall thereupon proceed in like manner, to all intents and purpoſes, as if the offence had been committed in ſuch place: and in caſe the governor, or, in his abſence, the lieutenant-governor, ſhall direct the trial to be had in Great-Britain, he ſhall then tranſmit the inquiſition, indictment or appeal, together with the recognizances of the witneſſes, and other recognizances, under the ſeal of the province, to one of his majeſty's principal ſecretaries of ſtate, who ſhall deliver, or cauſe to be delivered, the ſame, to the maſter of the crown-office, to be filed of record in the court of king's-bench, and the inquiſition, indictment or appeal,

ſhall

ſhall be tried and proceeded upon, in the next term, or at ſuch other time as the court ſhall appoint, at the bar of the court of king's-bench, in the like manner, to all intents and purpoſes, as if the offence had been committed in the county of Middleſex, or in any other county of that part of Great-Britain, called England, where the court of king's-bench ſhall ſit, or elſe before ſuch commiſſioners, and in ſuch county, in that part of Great-Britain, called England, as ſhall be aſſigned by the King's majeſty's commiſſion, in like manner and form, to all intents and purpoſes, as if ſuch offence had been committed in the ſame county where ſuch inquiſition, indictment or appeal, ſhall be ſo tried.

AND be it enacted by the authority aforeſaid, that in caſe, on account of any error or defect in any indictment, which, in virtue or under the authority of this act, ſhall be tranſmitted to any other colony, or to Great-Britain, the ſame ſhall be quaſhed, or judgment thereon arreſted, or ſuch indictment adjudged bad upon demurrer, it ſhall and may be lawful to prefer a new indictment or indictments againſt a perſon or perſons accuſed in the ſaid colony, to which ſuch indictment, ſo quaſhed or adjudged bad, ſhall have been tranſmitted, or before the grand jury of any county in Great-Britain, in caſe ſuch former indictment ſhall have been tranſmitted to Great-Britain, in the ſame manner as could be done in caſe the party accuſed ſhould return to the place where

where the offence was committed; and the grand-jury and petit-jury of ſuch other colony or county in Great-Britain ſhall have power to find and proceed upon ſuch indictment or indictments, in the ſame manner as if the offence, by ſuch indictment or indictments charged, had been committed within the limits of the colony or county for which ſuch juries ſhall reſpectively be impannelled to ſerve.

And be it further enacted by the authority aforeſaid, that this act, and every clauſe, proviſion, regulation, matter and thing, herein contained, ſhall commence and take effect upon the firſt day of June, one thouſand ſeven hundred and ſeventy-four; and be and continue in force, for and during the term of three years.

NOTE IV. Page 23.

Friday, October 14, 1774.

The Congreſs met according to adjournment, and reſuming the conſideration of the ſubject under debate—made the following declaration and reſolves:

WHEREAS, ſince the cloſe of the laſt war, the Britiſh parliament claiming a power, of right, to bind the people of America by ſtatutes, in all caſes whatſoever, hath in ſome

acts expreſsly impoſed taxes on them, and in others, under various pretences, but in fact for the purpoſe of raiſing a revenue, hath impoſed rates and duties payable in theſe colonies, eſtabliſhed a board of commiſſioners with unconſtitutional powers, and extended the juriſdiction of courts of admiralty, not only for collecting the ſaid duties, but for the trial of cauſes merely ariſing within the body of a county.

AND whereas, in conſequence of other ſtatutes, judges, who before held only eſtates at will in their offices, have been made dependant on the crown alone for their ſalaries, and ſtanding armies kept, in times of peace: and whereas it has lately been reſolved in parliament, that by force of a ſtatute, made in the thirty-fifth year of the reign of King Henry the eighth, coloniſts may be tranſported to England and tried there upon accuſations for treaſons and miſpriſions, or concealments of treaſons committed in the colonies; and, by a late ſtatute, ſuch trials have been directed in caſes therein mentioned.

AND whereas in the laſt ſeſſion of parliament, three ſtatutes were made; one entitled, 'An act 'to diſcontinue in ſuch manner, and for ſuch 'time as are therein mentioned, the landing and 'diſcharging, lading or ſhipping of goods, wares 'and merchandize, at the town, and within the 'harbour of Boſton, in the province of Maſſachu-'ſetts-Bay, in North-America:' another entitled, 'An

'An act for the better regulating the government 'of the province of the Maſſachuſetts-Bay, in 'New-England:' and another entitled, 'An act 'for the impartial adminiſtration of juſtice, in 'the caſes of perſons queſtioned for any act done 'by them in the execution of the law, or for the 'ſuppreſſion of riots and tumults, in the province 'of the Maſſachuſetts-Bay, in New-England:' and another ſtatute was then made, 'for making 'more effectual proviſion for the government of 'the province of Quebec,' &c. All which ſtatutes are impolitick, unjuſt and cruel, as well as unconſtitutional, and moſt dangerous and deſtructive of American rights.

And whereas aſſemblies have been frequently diſſolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal and reaſonable petitions to the crown for redreſs, have been repeatedly treated with contempt by his majeſty's miniſters of ſtate.

The good people of the ſeveral colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, New-Caſtle, Kent and Suſſex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, juſtly alarmed at theſe arbitrary proceedings of parliament and adminiſtration, have ſeverally elected, conſtituted and appointed deputies to meet and ſit in general

general Congreſs in the city of Philadelphia, in order to obtain ſuch eſtabliſhment, as that their religion, laws and liberties, may not be ſubverted: whereupon the deputies ſo appointed, being now aſſembled, in a full and free repreſentation of theſe colonies, taking into their moſt ſerious conſideration the beſt means of attaining the ends aforeſaid, do, in the firſt place, as Engliſhmen, their anceſtors, in like caſes have uſually done, for aſſerting and vindicating their rights and liberties, DECLARE,

THAT the inhabitants of the Engliſh colonies in North-America, by the immutable laws of nature, the principles of the Engliſh conſtitution, and the ſeveral charters or compacts, have the following rights:

RESOLVED, nem. con. 1. That they are entitled to life, liberty and property: and they have never ceded to any ſovereign power whatever, a right to diſpoſe of either without their conſent.

RESOLVED, nem. con. 2. That our anceſtors, who firſt ſettled theſe colonies, were at the time of their emigration from the mother-country, entitled to all the rights, liberties, and immunities of free and natural-born ſubjects, within the realm of England.

RESOLVED, nem. con. 3. That by ſuch emigration they by no means forfeited, ſurrendered,

or

or loſt any of thoſe rights, but that they were, and their deſcendants now are, entitled to the exerciſe and enjoyment of all ſuch of them, as their local and other circumſtances enable them to exerciſe and enjoy.

Resolved, 4. That the foundation of Engliſh liberty, and of all free government, is a right in the people to participate in their legiſlative-council: and as the Engliſh coloniſts are not repreſented, and from their local and other circumſtances cannot properly be repreſented in the Britiſh parliament, they are entitled to a free and excluſive power of legiſlation in their ſeveral provincial legiſlatures, where their right of repreſentation can alone be preſerved, in all caſes of taxation and internal polity, ſubject only to the negative of their ſovereign, in ſuch manner as has been heretofore uſed and accuſtomed: but, from the neceſſity of the caſe, and a regard to the mutual intereſts of both countries, we cheerfully conſent to the operation of ſuch acts of the Britiſh parliament, as are bona fide, reſtrained to the regulation of our external commerce, for the purpoſe of ſecuring the commercial advantages of the whole empire to the mother-country, and the commercial benefits of its reſpective members, excluding every idea of taxation internal or external, for raiſing a revenue on the ſubjects in America without their conſent.

Resolved, nem. con. 5. That the reſpective colonies

colonies are entitled to the common law of England, and more eſpecially to the great and ineſtimable privilege of being tried by their peers of the vicinage, according to the courſe of that law.

RESOLVED, 6. That they are entitled to the benefit of ſuch of the Engliſh ſtatutes, as exiſted at the time of their colonization; and which they have, by experience, reſpectively found to be applicable to their ſeveral local and other circumſtances.

RESOLVED, nem. con. 7. That theſe, his Majeſty's, colonies are likewiſe entitled to all the immunities and privileges granted and confirmed to them by royal charters, or ſecured by their ſeveral codes of provincial laws.

RESOLVED, nem. con. 8. That they have a right peaceably to aſſemble, conſider of their grievances, and petition the King; and that all proſecutions, prohibitory proclamations, and commitments for the ſame, are illegal.

RESOLVED, nem. con. 9. That the keeping a ſtanding army in theſe colonies, in times of peace, without the conſent of the legiſlature of that colony in which ſuch army is kept, is againſt law.

RESOLVED, nem. com. 10. It is indiſpenſibly neceſſary

neceſſary to good government, and rendered eſſential by the Engliſh conſtitution, that the conſtituent branches of the legiſlature be independent of each other; that, therefore, the exerciſe of legiſlative power in ſeveral colonies, by a council appointed, during pleaſure, by the crown, is unconſtitutional, dangerous, and deſtructive to the freedom of American legiſlation.

ALL and each of which the aforeſaid deputies, in behalf of themſelves, and their conſtituents, do claim, demand and inſiſt on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own conſent, by their repreſentatives in their ſeveral provincial legiſlatures.

IN the courſe of our inquiry, we find many infringements and violations of the foregoing rights; which, from an ardent deſire that harmony and mutual intercourſe of affection and intereſt may be reſtored, we paſs over for the preſent, and proceed to ſtate ſuch acts and meaſures as have been adopted ſince the laſt war, which demonſtrate a ſyſtem formed to enſlave America.

RESOLVED, nem. con. That the following acts of parliament are infringements and violations of the rights of the coloniſts; and that the repeal of them is eſſentially neceſſary, in order to

to reſtore harmony between Great-Britain and the American colonies, viz.

THE ſeveral acts of 4 Geo. III. ch. 15. and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41. and ch. 46.—8 Geo. III. ch. 22. which impoſe duties for the purpoſe of raiſing a revenue in America, extend the power of the admiralty-courts beyond their ancient limits, deprive the American ſubject of trial by jury, authorize the judges certificate to indemnify the proſecutor from damages, that he might otherwiſe be liable to, requiring oppreſſive ſecurity from a claimant of ſhips and goods ſeized, before he ſhall be allowed to defend his property, and are ſubverſive of American rights.

ALSO 12 Geo. III. ch. 24. entitled, 'An act 'for the better ſecuring his majeſty's dock-yards, 'magazines, ſhips, ammunition and ſtores,' which declares a new offence in America, and deprives the American ſubject of a conſtitutional trial by jury of the vicinage, by authorizing the trial of any perſon charged with the committing any offence deſcribed in the ſaid act out of the realm, to be indicted and tried for the ſame in any ſhire or county within the realm.

ALSO the three acts paſſed in the laſt ſeſſion of parliament, for ſtopping the port and blocking up the harbour of Boſton, for altering the charter

and

and government of Maſſachuſetts-Bay, and that which is entitled, 'An act for the better adminiſtration of juſtice,' &c.

ALSO the act paſſed in the ſame ſeſſion for eſtabliſhing the Roman Catholick religion in the province of Quebec, aboliſhing the equitable ſyſtem of Engliſh laws, and erecting a tyranny there, to the great danger, (from ſo total a diſſimilarity of religion, law and government) of the neighbouring Britiſh colonies, by the aſſiſtance of whoſe blood and treaſure the ſaid country was conquered from France.

ALSO the act paſſed in the ſame ſeſſion for the better providing ſuitable quarters for officers and ſoldiers in his majeſty's ſervice in North-America.

ALSO, that the keeping a ſtanding army in ſeveral of theſe colonies, in time of peace, without the conſent of the legiſlature of that colony in which ſuch army is kept, is againſt law.

To theſe grievous acts and meaſures Americans cannot ſubmit, but in hopes their fellow-ſubjects in Great-Britain will, on a reviſion of them, reſtore us to that ſtate, in which both countries found happineſs and proſperity, we have for the preſent only reſolved to purſue the following peaceable meaſures: 1. To enter into a non-importation, non-conſumption, and non-exportation agreement or aſſociation. 2. To

prepare an addreſs to the people of Great-Britain, and a memorial to the inhabitants of Britiſh America. And, 3. To prepare a loyal addreſs to his majeſty; agreeable to reſolutions already entered into.

NOTE V. PAGE 23.

To the KING's moſt excellent MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, your majeſty's faithful ſubjects of the colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, the counties of New-Caſtle, Kent and Suſſex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, in behalf of ourſelves and the inhabitants of theſe colonies, who have deputed us to repreſent them in general Congreſs, by this our humble petition, beg leave to lay our grievances before the throne.

A STANDING army has been kept in theſe colonies ever ſince the concluſion of the late war, without the conſent of our aſſemblies; and this army, with a conſiderable naval armament, has been employed to enforce the collection of taxes.

THE authority of the commander in chief, and under him of the brigadiers-general has, in time

of

of peace, been rendered ſupreme in all the civil governments in America.

THE commander in chief of all your majeſty's forces in North-America has, in time of peace, been appointed governor of a colony.

THE charges of uſual offices have been greatly increaſed; and new, expenſive and oppreſſive offices have been multiplied.

THE judges of admiralty and vice-admiralty-courts are empowered to receive their ſalaries and fees from the effects condemned by themſelves.

THE officers of the cuſtoms are empowered to break open and enter houſes without the authority of any civil magiſtrate founded on legal information.

THE judges of courts of common law have been made entirely dependant on one part of the legiſlature for their ſalaries, as well as for the duration of their commiſſions.

COUNSELLORS holding their commiſſions during pleaſure exerciſe legiſlative authority.

HUMBLE and reaſonable petitions from the repreſentatives of the people have been fruitleſs.

THE

THE agents of the people have been diſcountenanced, and governors have been inſtructed to prevent the payment of their ſalaries.

ASSEMBLIES have been repeatedly and injuriouſly diſſolved.

COMMERCE has been burdened with many uſeleſs and oppreſſive reſtrictions.

BY ſeveral acts of parliament made in the fourth, fifth, ſixth, ſeventh and eighth years of your majeſty's reign, duties are impoſed on us, for the purpoſe of raiſing a revenue; and the powers of admiralty and vice-admiralty-courts are extended beyond their ancient limits, whereby our property is taken from us without our conſent, the trial by jury in many civil caſes is aboliſhed, enormous forfeitures are incurred for ſlight offences, vexatious informers are exempted from paying damages, to which they are juſtly liable, and oppreſſive ſecurity is required from owners before they are allowed to defend their right.

BOTH houſes of parliament have reſolved, that coloniſts may be tried in England for offences alleged to have been committed in America by virtue of a ſtatute paſſed in the thirty-fifth year of Henry the eighth; and in conſequence thereof attempts have been made to enforce that ſtatute.

A STATUTE

A STATUTE was paſſed in the twelfth year of your majeſty's reign, directing, that perſons charged with committing any offence therein deſcribed, in any place out of the realm, may be indicted and tried for the ſame, in any ſhire or county within the realm, whereby inhabitants of theſe colonies may, in ſundry caſes by that ſtatute made capital, be deprived of a trial by their peers of the vicinage.

IN the laſt ſeſſion of parliament, an act was paſſed for blocking up the harbour of Boſton; another empowering the governor of the Maſſachuſetts-Bay to ſend perſons indicted for murder in that province to another colony, or even to Great-Britain for trial, whereby ſuch offenders may eſcape legal puniſhment; a third for altering the chartered conſtitution of government in that province; and a fourth for extending the limits of Quebec, aboliſhing the Engliſh and reſtoring the French laws, whereby great numbers of Britiſh freemen are ſubjected to the latter, and eſtabliſhing an abſolute government and the Roman Catholic religion throughout thoſe vaſt regions, that border on the weſterly and northerly boundaries of the free, proteſtant, Engliſh ſettlements; and a fifth for the better providing ſuitable quarters for officers and ſoldiers in his majeſty's ſervice in North-America.

To a ſovereign who glories in the name of Briton; the bare recital of theſe acts muſt, we preſume,

THE agents of the people have been diſcountenanced, and governors have been inſtructed to prevent the payment of their ſalaries.

ASSEMBLIES have been repeatedly and injuriouſly diſſolved.

COMMERCE has been burdened with many uſeleſs and oppreſſive reſtrictions.

BY ſeveral acts of parliament made in the fourth, fifth, ſixth, ſeventh and eighth years of your majeſty's reign, duties are impoſed on us, for the purpoſe of raiſing a revenue; and the powers of admiralty and vice-admiralty-courts are extended beyond their ancient limits, whereby our property is taken from us without our conſent, the trial by jury in many civil caſes is aboliſhed, enormous forfeitures are incurred for ſlight offences, vexatious informers are exempted from paying damages, to which they are juſtly liable, and oppreſſive ſecurity is required from owners before they are allowed to defend their right.

BOTH houſes of parliament have reſolved, that coloniſts may be tried in England for offences alleged to have been committed in America by virtue of a ſtatute paſſed in the thirty-fifth year of Henry the eighth; and in conſequence thereof attempts have been made to enforce that ſtatute.

A STATUTE

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IN the laſt ſeſſion of parliament, an act was paſſed for blocking up the harbour of Boſton; another empowering the governor of the Maſſachuſetts-Bay to ſend perſons indicted for murder in that province to another colony, or even to Great-Britain for trial, whereby ſuch offenders may eſcape legal puniſhment; a third for altering the chartered conſtitution of government in that province; and a fourth for extending the limits of Quebec, aboliſhing the Engliſh and reſtoring the French laws, whereby great numbers of Britiſh freemen are ſubjected to the latter, and eſtabliſhing an abſolute government and the Roman Catholic religion throughout thoſe vaſt regions, that border on the weſterly and northerly boundaries of the free, proteſtant, Engliſh ſettlements; and a fifth for the better providing ſuitable quarters for officers and ſoldiers in his majeſty's ſervice in North-America.

To a ſovereign who glories in the name of Briton; the bare recital of theſe acts muſt, we preſume,

preſume, juſtify the loyal ſubjects, who fly to the foot of his throne, and implore his clemency for protection againſt them.

From this deſtructive ſyſtem of colony-adminiſtration, adopted ſince the concluſion of the laſt war, have flowed thoſe diſtreſſes, dangers, fears and jealouſies, that overwhelm your majeſty's dutiful coloniſts with affliction: and we defy our moſt ſubtle and inveterate enemies to trace the unhappy differences between Great-Britain and theſe colonies, from an earlier period, or from other cauſes than we have aſſigned. Had they proceeded on our part from a reſtleſs levity of temper, unjuſt impulſes of ambition, or artful ſuggeſtions of ſeditious perſons, we ſhould merit the opprobrious terms frequently beſtowed upon us by thoſe we revere. But ſo far from promoting innovations, we have only oppoſed them; and can be charged with no offence, unleſs it be one to receive injuries, and be ſenſible of them.

Had our Creator been pleaſed to give us exiſtence in a land of ſlavery, the ſenſe of our condition might have been mitigated by ignorance and habit. But thanks be to his adorable goodneſs, we were born the heirs of freedom, and ever enjoyed our right under the auſpices of your royal anceſtors, whoſe family was ſeated on the Britiſh throne, to reſcue and ſecure a pious and gallant nation from the popery and deſpotiſm of a ſuperſtitious and inexorable tyrant. Your majeſty,

jeſty, we are confident, juſtly rejoices, that your title to the crown is thus founded on the title of your people to liberty; and therefore we doubt not but your royal wiſdom muſt approve the ſenſibility, that teaches your ſubjects anxiouſly to guard the bleſſing they received from Divine Providence, and thereby to prove the performance of that compact, which elevated the illuſtrious houſe of Brunſwick to the imperial dignity it now poſſeſſes.

THE apprehenſion of being degraded into a ſtate of ſervitude, from the pre-eminent rank of Engliſh freemen, while our minds retain the ſtrongeſt love of liberty, and clearly foreſee the miſeries preparing for us and our poſterity, excites emotions in our breaſts, which though we cannot deſcribe, we ſhould not wiſh to conceal. Feeling as men, and thinking as ſubjects in the manner we do, ſilence would be diſloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares, the tranquility of your government and the welfare of your people.

DUTY to your majeſty, and regard for the preſervation of ourſelves and our poſterity, the primary obligations of nature and ſociety, command us to entreat your royal attention; and as your majeſty enjoys the ſignal diſtinction of reigning over freemen, we apprehend the language of freemen cannot be diſpleaſing. Your royal

royal indignation, we hope, will rather fall on thoſe deſigning and dangerous men, who daringly interpoſing themſelves between your royal perſon and your faithful ſubjects, and for ſeveral years paſt inceſſantly employed to diſſolve the bonds of ſociety, by abuſing your majeſty's authority, miſrepreſenting your American ſubjects, and proſecuting the moſt deſperate and irritating projects of oppreſſion, have at length compelled us, by the force of accumulated injuries too ſevere to be any longer tolerable, to diſturb your majeſty's repoſe by our complaints.

THESE ſentiments are extorted from hearts, that much more willingly would bleed in your majeſty's ſervice. Yet ſo greatly have we been miſrepreſented, that a neceſſity has been alleged of taking our property from us without our conſent, 'to defray the charge of the adminiſtration 'of juſtice, the ſupport of civil government, and 'the defence, protection and ſecurity, of the 'colonies.' But we beg leave to aſſure your majeſty, that ſuch proviſion has been, and will be made for defraying the two firſt articles, as has been and ſhall be judged, by the legiſlatures of the ſeveral colonies, juſt and ſuitable to their reſpective circumſtances: and for the defence, protection and ſecurity, of the colonies, their militias, if properly regulated, as they earneſtly deſire may immediately be done, would be fully ſufficient, at leaſt in times of peace; and in caſe of war, your faithful coloniſts will be ready and willing,

willing, as they have ever been, when conſtitutionally required, to demonſtrate their loyalty to your majeſty, by exerting their moſt ſtrenuous efforts in granting ſupplies and raiſing forces. Yielding to no Britiſh ſubjects in affectionate attachment to your majeſty's perſon, family and government; we too dearly prize the privilege of expreſſing that attachment by thoſe proofs, that are honourable to the prince who receives them, and to the people who give them, ever to reſign it to any body of men upon earth.

HAD we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we ſhould, at this time, have been peaceably, cheerfully and uſefully employed in recommending ourſelves, by every teſtimony of devotion, to your majeſty, and of veneration to the ſtate, from which we derive our origin. But though now expoſed to unexpected and unnatural ſcenes of diſtreſs by a contention with that nation, in whoſe parental guidance on all important affairs we have hitherto, with filial reverence, conſtantly truſted, and therefore can derive no inſtruction in our preſent unhappy and perplexing circumſtances from any former experience; yet, we doubt not, the purity of our intention, and the integrity of our conduct, will juſtify us at that grand tribunal, before which all mankind muſt ſubmit to judgment.

We aſk but for peace, liberty and ſafety. We wiſh not a diminution of the prerogative, nor do we ſolicit the grant of any new right in our favour. Your royal authority over us, and our connection with Great-Britain, we ſhall always carefully and zealouſly endeavour to ſupport and maintain.

Filled with ſentiments of duty to your majeſty and of affection to our parent ſtate, deeply impreſſed by our education, and ſtrongly confirmed by our reaſon, and anxious to evince the ſincerity of theſe diſpoſitions, we preſent this petition only to obtain redreſs of grievances, and relief from fears and jealouſies, occaſioned by the ſyſtem of ſtatutes and regulations adopted ſince the cloſe of the late war, for raiſing a revenue in America—extending the powers of courts of admiralty and vice-admiralty—trying perſons in Great-Britain for offences alleged to be committed in America—affecting the province of Maſſachuſetts-Bay—and altering the government, and extending the limits, of Quebec; by the abolition of which ſyſtem, the harmony between Great-Britain and theſe colonies, ſo neceſſary to the happineſs of both, and ſo ardently deſired by the latter, and the uſual intercourſes, will be immediately reſtored. In the magnanimity and juſtice of your majeſty and parliament we confide for a redreſs of our other grievances, truſting, that when the cauſes of our apprehenſions are removed, our future conduct will prove

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us not unworthy of the regard we have been accuſtomed, in our happier days, to enjoy. For, appealing to that Being who ſearches thoroughly the hearts of his creatures, we ſolemnly profeſs, that our councils have been influenced by no other motive, than a dread of impending deſtruction.

PERMIT us then, moſt gracious ſovereign, in the name of all your faithful people in America, with the utmoſt humility, to implore you, for the honour of Almighty GOD, whoſe pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your ſubjects happy, and keeping them united; for the intereſts of your family, depending on an adherence to the principles that enthroned it; for the ſafety and welfare of your kingdoms and dominions, threatened with almoſt unavoidable dangers and diſtreſſes—that your majeſty, as the loving father of your whole people, connected by the ſame bonds of law, loyalty, faith and blood, though dwelling in various countries, will not ſuffer the tranſcendant relation formed by theſe ties to be farther violated, in uncertain expectation of effects, that, if attained, never can compenſate for the calamities through which they muſt be gained.

WE, therefore, moſt earneſtly beſeech your majeſty, that your royal authority and interpoſition

ſition may be uſed for our relief; and that a gracious anſwer may be given to this petition.

THAT your majeſty may enjoy every felicity through a long and glorious reign over loyal and happy ſubjects, and that your deſcendants may inherit your proſperity and dominions till time ſhall be no more, is, and always will be, our ſincere and fervent prayer.

NOTE VI. PAGE 23.

THURSDAY, October 20, 1774.

THE aſſociation being copied, was read and ſigned at the table—and is as follows:

WE, his majeſty's moſt loyal ſubjects, the delegates of the ſeveral colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties of New-Caſtle, Kent and Suſſex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, deputed to repreſent them in a continental Congreſs, held in the city of Philadelphia, on the fifth day of September 1774, avowing our allegiance to his majeſty, our affection and regard for our fellow-ſubjects in Great-Britain and elſewhere, affected with the deepeſt anxiety, and moſt alarming apprehenſions at thoſe grievances and diſtreſſes with

with which his majeſty's American ſubjects are oppreſſed; and, having taken under our moſt ſerious deliberation the ſtate of the whole continent, find, that the preſent unhappy ſituation of our affairs is occaſioned by a ruinous ſyſtem of colony-adminiſtration, adopted by the Britiſh miniſtry about the year 1763, evidently calculated for enſlaving theſe colonies, and, with them, the Britiſh empire. In proſecution of which ſyſtem, various acts of parliament have been paſſed for raiſing a revenue in America; for depriving the American ſubjects, in many inſtances, of the conſtitutional trial by jury; expoſing their lives to danger, by directing a new and illegal trial beyond the ſeas, for crimes alleged to have been committed in America: and, in proſecution of the ſame ſyſtem, ſeveral late, cruel, and oppreſſive acts have been paſſed reſpecting the town of Boſton and the Maſſachuſetts-Bay; and alſo an act for extending the province of Quebec, ſo as to border on the weſtern frontiers of theſe colonies, eſtabliſhing an arbitrary government therein, and diſcouraging the ſettlement of Britiſh ſubjects in that wide extended country. Thus, by the influence of evil principles and ancient prejudices, to diſpoſe the inhabitants to act with hoſtility againſt the free Proteſtant colonies, whenever a wicked miniſtry ſhall chooſe ſo to direct them.

To obtain redreſs of theſe grievances, which threaten deſtruction to the lives, liberty, and property of his majeſty's ſubjects in North-America,

rica, we are of opinion, that a non-importation, non-conſumption, and non-exportation agreement, faithfully adhered to, will prove the moſt ſpeedy, effectual, and peaceable meaſure; and therefore we do, for ourſelves and the inhabitants of the ſeveral colonies, whom we repreſent, firmly agree and aſſociate, under the ſacred ties of virtue, honour, and love of our country, as follows:

FIRST, That, from and after the firſt day of December next, we will not import into Britiſh America, from Great-Britain or Ireland, any goods, wares or merchandize whatſoever, or from any other place any ſuch goods, wares or merchandize, as ſhall have been exported from Great-Britain or Ireland; nor will we, after that day, import any Eaſt-India tea from any part of the world; nor any molaſſes, ſirups, paneles, coffee or pimenta, from the Britiſh plantations, or from Dominica; nor wines from Madeira, or the Weſtern Iſlands; nor foreign indigo.

SECOND, We will neither import, nor purchaſe, any ſlave imported after the firſt day of December next; after which time we will wholly diſcontinue the ſlave-trade, and will neither be concerned in it ourſelves, nor will we hire our veſſels, nor ſell our commodities or manufactures to thoſe who are concerned in it.

THIRD, As a non-conſumption agreement, ſtrictly

ſtrictly adhered to, will be an effectual ſecurity for the obſervation of the non-importation, we, as above, ſolemnly agree and aſſociate, that, from this day, we will not purchaſe or uſe any tea imported on account of the Eaſt-India company, or any on which a duty hath been or ſhall be paid; and, from and after the firſt day of March next, we will not purchaſe or uſe any Eaſt-India tea whatever; nor will we, nor ſhall any perſon for or under us, purchaſe or uſe any of thoſe goods, wares or merchandize, we have agreed not to import, which we ſhall know, or have cauſe to ſuſpect, were imported after the firſt day of December, except ſuch as come under the rules and directions of the tenth article hereafter mentioned.

FOURTH, The earneſt deſire we have not to injure our fellow-ſubjects in Great-Britain, Ireland or the Weſt-Indies, induces us to ſuſpend a non-exportation until the tenth day of September 1775; at which time, if the ſaid acts and parts of acts of the Britiſh parliament herein after mentioned are not repealed, we will not directly or indirectly export any merchandize or commodity whatſoever to Great-Britain, Ireland or the Weſt-Indies, except rice to Europe.

FIFTH, Such as are merchants, and uſe the Britiſh and Iriſh trade, will give orders, as ſoon as poſſible, to their factors, agents and correſpondents, in Great-Britain and Ireland, not to

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ſhip any goods to them, on any pretence whatſoever, as they cannot be received in America; and if any merchant, reſiding in Great-Britain or Ireland, ſhall directly or indirectly ſhip any goods, wares or merchandize, for America, in order to break the ſaid non-importation agreement, or in any manner contravene the ſame, on ſuch unworthy conduct being well atteſted, it ought to be made publick; and, on the ſame being ſo done, we will not from thenceforth have any commercial connection with ſuch merchant.

SIXTH, That ſuch as are owners of veſſels will give poſitive orders to their captains, or maſters, not to receive on board their veſſels any goods prohibited by the ſaid non-importation agreement, on pain of immediate diſmiſſion from their ſervice.

SEVENTH, We will uſe our utmoſt endeavours to improve the breed of ſheep, and increaſe their number to the greateſt extent, and, to that end, we will kill them as ſparingly as may be, eſpecially thoſe of the moſt profitable kind; nor will we export any to the Weſt-Indies or elſewhere; and thoſe of us, who are or may become overſtocked with, or can conveniently ſpare any ſheep, will diſpoſe of them to our neighbours, eſpecially to the poorer ſort, on moderate terms.

EIGHTH, We will, in our ſeveral ſtations, encourage

encourage frugality, œconomy and induſtry; and promote agriculture, arts, and the manufactures of this country, eſpecially that of wool; and will diſcountenance and diſcourage every ſpecies of extravagance and diſſipation, eſpecially all horſe-racing, and all kinds of gaming, cock-fighting, exhibitions of ſhews, plays, and other expenſive diverſions and entertainments. And, on the death of any relation or friend, none of us, or any of our families, will go into any further mourning-dreſs than a black crape or riband on the arm or hat for gentlemen, and a black riband and necklace for ladies, and we will diſcontinue the giving of gloves and ſcarfs at funerals.

NINTH, Such as are venders of goods or merchandize will not take advantage of the ſcarcity of goods that may be occaſioned by this aſſociation, but will ſell the ſame at the rates we have been reſpectively accuſtomed to do, for twelve months laſt paſt.—And if any vender of goods or merchandize ſhall ſell any ſuch goods on higher terms, or ſhall in any manner, or by any device whatſoever, violate or depart from this agreement, no perſon ought, nor will any of us deal with any ſuch perſon, or his, or her factor or agent, at any time thereafter, for any commodity whatever.

TENTH, IN caſe any merchant, trader, or other perſons, ſhall import any goods or mer-

chandize after the firſt day of December, and before the firſt day of February next, the ſame ought forthwith, at the election of the owner, to be either reſhipped or delivered up to the committee of the county, or town wherein they ſhall be imported, to be ſtored at the riſk of the importer, until the non-importation agreement ſhall ceaſe, or be ſold under the direction of the committee aforeſaid; and in the laſt mentioned caſe, the owner or owners of ſuch goods ſhall be reimburſed (out of the ſales) the firſt coſt and charges, the profit, if any, to be applied towards relieving and employing ſuch poor inhabitants of the town of Boſton, as are immediate ſufferers by the Boſton port-bill; and a particular account of all goods ſo returned, ſtored or ſold, to be inſerted in the publick papers; and if any goods or merchandizes ſhall be imported after the ſaid firſt day of February, the ſame ought forthwith to be ſent back again, without breaking any of the packages thereof.

ELEVENTH, That a committee be choſen in every county, city and town, by thoſe who are qualified to vote for repreſentatives in the legiſlature, whoſe buſineſs it ſhall be attentively to obſerve the conduct of all perſons touching this aſſociation; and when it ſhall be made to appear to the ſatisfaction of a majority of any ſuch committee, that any perſon within the limits of their appointment has violated this aſſociation, that ſuch majority do forthwith cauſe the truth of the caſe

caſe to be publiſhed in the Gazette, to the end, that all ſuch foes to the rights of Britiſh America may be publickly known, and univerſally contemned as the enemies of American liberty; and thenceforth we reſpectively will break off all dealings with him or her.

TWELFTH, That the committee of correſpondence in the reſpective colonies do frequently inſpect the entries of their cuſtom-houſes, and inform each other from time to time of the true ſtate thereof, and of every other material circumſtance that may occur relative to this aſſociation.

THIRTEENTH, That all manufactures of this country be ſold at reaſonable prices, ſo that no undue advantage be taken of a future ſcarcity of goods.

FOURTEENTH, And we do further agree and reſolve, that we will have no trade, commerce, dealings or intercourſe whatſoever, with any colony or province, in North-America, which ſhall not accede to, or which ſhall hereafter violate this aſſociation, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

AND we do ſolemnly bind ourſelves and our conſtituents, under the ties aforeſaid, to adhere to this aſſociation until ſuch parts of the ſeveral acts of parliament paſſed ſince the cloſe of the laſt

laſt war, as impoſe or continue duties on tea, wine, molaſſes ſirups, paneles, coffee, ſugar, pimenta, indigo, foreign paper, glaſs, and painters colours, imported into America, and extend the powers of the admiralty-courts beyond their ancient limits, deprive the American ſubject of trial by jury, authorize the judge's certificate to indemnify the proſecutor from damages, that he might otherwiſe be liable to from a trial by his peers, require oppreſſive ſecurity from a claimant of ſhips or goods ſeized, before he ſhall be allowed to defend his property, are repealed—And until that part of the act of the 12. Geo. III. ch. 24. entitled, 'An act for the better ſecuring his ma-'jeſty's dock-yards, magazines, ſhips, ammuniti-'on and ſtores,' by which any perſons, charged with committing any of the offences therein deſcribed, in America, may be tried in any ſhire or county within the realm, is repealed—And until the four acts paſſed in the laſt ſeſſion of parliament, viz. that for ſtopping the port and blocking up the harbour of Boſton—that for altering the charter and government of the Maſſachuſetts-Bay—and that which is entitled, 'An act for the 'better adminiſtration of juſtice,' &c.—and that 'for extending the limits of Quebec,' &c. are repealed. And we recommend it to the provincial conventions, and to the committees in the reſpective colonies, to eſtabliſh ſuch farther regulations as they may think proper, for carrying into execution this aſſociation.

THE foregoing aſſociation being determined upon by the Congreſs, was ordered to be ſubſcribed by the ſeveral members thereof; and thereupon we have hereunto ſet our reſpective names accordingly.

In Congreſs, Philadelphia, October 24.

Signed,

PEYTON RANDOLPH, preſident.

NEW-HAMPSHIRE,	John Sullivan, Nathaniel Folſom.
MASSACHUSETTS-BAY,	Thomas Cuſhing, Samuel Adams, John Adams, Robert-Treat Paine.
RHODE-ISLAND,	Stephen Hopkins, Samuel Ward.
CONNECTICUT,	Eliphalet Dyer, Roger Sherman, Silas Deane.
NEW-YORK,	Iſaac Low, John Alſop, John Jay, James Duane, William Floyd, Henry Wiſner, S. Boerum, Philip Livingſton.

NEW-JERSEY,

NEW-JERSEY,	James Kinſey, William Livingſton, Stephen Crane, Richard Smith, John De-Hart.
PENNSYLVANIA,	Joſeph Galloway, John Dickinſon, Charles Humphreys, Thomas Mifflin, Edward Biddle, John Morton, George Roſs.
NEW-CASTLE, &c.	Cæſar Rodney, Thomas M'Kean, George Read.
MARYLAND,	Matthew Tilghman, Thomas Johnſon, William Paca, Samuel Chaſe.
VIRGINIA,	Richard-Henry Lee, George Waſhington, P. Henry, jun. Richard Bland, Benjamin Harriſon, Edmund Pendleton.
NORTH-CAROLINA,	William Hooper, Joſeph Hewes, R. Caſwell.

SOUTH-CAROLINA,

SOUTH-CAROLINA, { Henry Middleton, Thomas Lynch, Chriſtopher Gadſden, John Rutledge, Edward Rutledge.

NOTE VII. PAGE 23.

To the PEOPLE of GREAT-BRITAIN, from the DELEGATES, appointed by the ſeveral Engliſh colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, The Lower Counties on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, to conſider of their grievances in GENERAL CONGRESS, *at Philadelphia, September 5th, 1774.*

FRIENDS and FELLOW-SUBJECTS,

WHEN a nation, led to greatneſs by the hand of liberty, and poſſeſſed of all the glory that heroiſm, munificence, and humanity can beſtow, deſcends to the ungrateful taſk of forging chains for her friends and children, and inſtead of giving ſupport to freedom, turns advocate for ſlavery and oppreſſion, there is reaſon to ſuſpect ſhe has either ceaſed to be virtuous, or been extremely negligent in the appointment of her rulers.

In almoſt every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, againſt many and powerful nations, againſt the open aſſaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your iſland, your great and glorious anceſtors, maintained their independence, and tranſmitted the rights of men and the bleſſings of liberty to you their poſterity.

Be not ſurprized therefore, that we, who are deſcended from the ſame common anceſtors; that we, whoſe forefathers participated in all the rights, the liberties and the conſtitution, you ſo juſtly boaſt, and who have carefully conveyed the ſame fair inheritance to us, guarantied by the plighted faith of government, and the moſt ſolemn compacts with Britiſh ſovereigns, ſhould refuſe to ſurrender them to men, who found their claims on no principles of reaſon, and who proſecute them with a deſign, that by having our lives and property in their power, they may with the greater facility enſlave you.

The cauſe of America is now the object of univerſal attention: it has at length become very ſerious. This unhappy country has not only been oppreſſed, but abuſed and miſrepreſented; and the duty we owe to ourſelves and poſterity, to your intereſt, and the general welfare of the Britiſh empire, leads us to addreſs you on this very important ſubject.

Know

KNOW then, that we conſider ourſelves, and do inſiſt that we are and ought to be, as free as our fellow-ſubjects in Britain, and that no power on earth has a right to take our property from us without our conſent.

THAT we claim all the benefits ſecured to the ſubject by the Engliſh conſtitution, and particularly that ineſtimable one of trial by jury.

THAT we hold it eſſential to Engliſh liberty, that no man be condemned unheard, or puniſhed for ſuppoſed offences, without having an opportunity of making his defence.

THAT we think the legiſlature of Great-Britain is not authorized by the conſtitution to eſtabliſh a religion fraught with ſanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. Theſe rights we, as well as you, deem ſacred. And yet, ſacred as they are, they have, with many others, been repeatedly and flagrantly violated.

ARE not the proprietors of the ſoil of Great-Britain lords of their own property? Can it be taken from them without their conſent? Will they yield it to the arbitrary diſpoſal of any man, or number of men whatever?—You know they will not.

WHY then are the proprietors of the ſoil of

America leſs lords of their property than you are of yours, or why ſhould they ſubmit it to the diſpoſal of your parliament, or any other parliament, or council in the world, not of their election? Can the intervention of the ſea that divides us, cauſe diſparity in rights, or can any reaſon be given why Engliſh ſubjects, who live three thouſand miles from the royal palace, ſhould enjoy leſs liberty than thoſe who are three hundred miles diſtant from it?

REASON looks with indignation on ſuch diſtinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjuſt ſuch diſcriminations are, the parliament aſſert that they have a right to bind us in all caſes without exception, whether we conſent or not; that they may take and uſe our property when and in what manner they pleaſe; that we are penſioners on their bounty for all that we poſſeſs, and can hold it no longer than they vouchſafe to permit. Such declarations we conſider as hereſies in Engliſh politicks, and which can no more operate to deprive us of our property, than the interdicts of the Pope can diveſt Kings of ſceptres, which the laws of the land and the voice of the people have placed in their hands.

AT the concluſion of the late war—a war rendered glorious by the abilities and integrity of a miniſter, to whoſe efforts the Britiſh empire owes its ſafety and its fame—at the concluſion of

of this war, which was ſucceeded by an inglorious peace, formed under the auſpices of a miniſter of principles, and of a family unfriendly to the Proteſtant cauſe, and inimical to liberty—We ſay at this period, and under the influence of that man, a plan for enſlaving your fellow-ſubjects in America was concerted, and has ever ſince been pertinaciouſly carrying into execution.

PRIOR to this æra you were content with drawing from us the wealth produced by our commerce. You reſtrained our trade in every way that could conduce to your emolument. You exerciſed unbounded ſovereignty over the ſea. You named the ports and nations to which alone our merchandize ſhould be carried, and with whom alone we ſhould trade; and though ſome of theſe reſtrictions were grievous, we nevertheleſs did not complain; we looked up to you as to our parent-ſtate to which we were bound by the ſtrongeſt ties—and were happy in being inſtrumental to your proſperity and your grandeur.

WE call upon you yourſelves, to witneſs our loyalty and attachment to the common intereſt of the whole empire. Did we not, in the laſt war, add all the ſtrength of this vaſt continent to the force which repelled our common enemy? Did we not leave our native ſhores and meet diſeaſe and death, to promote the ſucceſs of Britiſh arms in foreign climates? Did you not thank us for our zeal, and even reimburſe us large ſums of money

money which you confeſſed we had advanced beyond our proportion, and far beyond our abilities?—You did.

To what cauſes, then, are we to attribute the ſudden change of treatment, and that ſyſtem of ſlavery which was prepared for us at the reſtoration of peace?

BEFORE we had recovered from the diſtreſſes which ever attend war, an attempt was made to drain this country of all its money, by the oppreſſive ſtamp-act. Paint, glaſs, and other commodities which you would not permit us to purchaſe of other nations, were taxed; nay, although no wine is made in any country ſubject to the Britiſh ſtate, you prohibited our procuring it of foreigners without paying a tax impoſed by your parliament on all we imported. Theſe and many other impoſitions were laid upon us moſt unjuſtly and unconſtitutionally, for the expreſs purpoſe of raiſing a revenue.—In order to ſilence complaint, it was, indeed, provided that this revenue ſhould be expended in America for its protection and defence.—Theſe exactions, however, can receive no juſtification from a pretended neceſſity of protecting and defending us. They are laviſhly ſquandered on court-favourites and miniſterial dependants, generally avowed enemies to America, and employing themſelves, by partial repreſentations, to traduce and embroil the colonies. For the neceſſary ſupport of government

vernment here, we ever were and ever ſhall be ready to provide. And whenever the exigencies of the ſtate may require it, we ſhall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconſtitutional and unjuſt ſcheme of taxation, every fence that the wiſdom of our Britiſh anceſtors had carefully erected againſt arbitrary power, has been violently thrown down in America, and the ineſtimable right of trial by jury taken away in caſes that touch both life and property.—It was ordained that whenever offences ſhould be committed in the colonies againſt particular acts impoſing various duties and reſtrictions upon trade, the proſecutor might bring his action for the penalties in the courts of admiralty; by which means the ſubject loſt the advantage of being tried by an honeſt uninfluenced jury of the vicinage, and was ſubjected to the ſad neceſſity of being judged by a ſingle man, a creature of the crown, and according to the courſe of a law which exempts the proſecutor from the trouble of proving his accuſation, and obliges the defendant either to evince his innocence or to ſuffer. To give this new judicatory the greater importance, and as if with deſign to protect falſe accuſers, it is further provided, that the judge's certificate of there having been probable cauſes of ſeizure and proſecution, ſhall protect the proſecutor from actions at common law for recovery of damages.

By the courſe of our law, offences committed in ſuch of the Britiſh dominions in which courts are eſtabliſhed, and juſtice duly and regularly adminiſtered, ſhall be there tried by a jury of the vicinage. There the offenders and the witneſſes are known, and the degree of credibility to be given to their teſtimony, can be aſcertained.

In all theſe colonies, juſtice is regularly and impartially adminiſtered, and yet, by the conſtruction of ſome, and the direction of other acts of parliament, offenders are to be taken by force, together with all ſuch perſons as may be pointed out as witneſſes, and carried to England, there to be tried in a diſtant land, by a jury of ſtrangers, and ſubject to all the diſadvantages that reſult from want of friends, want of witneſſes, and want of money.

When the deſign of raiſing a revenue from the duties impoſed on the importation of tea into America had in great meaſure been rendered abortive by our ceaſing to import that commodity, a ſcheme was concerted by the miniſtry with the Eaſt-India company, and an act paſſed enabling and encouraging them to tranſport and vend it in the colonies. Aware of the danger of giving ſucceſs to this inſidious manœuvre, and of permitting a precedent of taxation thus to be eſtabliſhed among us, various methods were adopted to elude the ſtroke. The people of Boſton, then ruled by a governor, whom, as well as his

his predeceſſor ſir Francis Bernard, all America conſiders as her enemy, were exceedingly embarraſſed. The ſhips which had arrived with the tea, were by his management prevented from returning.—The duties would have been paid; the cargoes landed and expoſed to ſale; a governor's influence would have procured and protected many purchaſers. While the town was ſuſpended by deliberations on this important ſubject, the tea was deſtroyed. Even ſuppoſing a treſpaſs was thereby committed, and the proprietors of the tea entitled to damages—the courts of law were open, and judges appointed by the crown preſided in them.—The Eaſt-India company, however, did not think proper to commence any ſuits, nor did they even demand ſatisfaction either from individuals or from the community in general. The miniſtry, it ſeems, officiouſly made the caſe their own, and the great council of the nation deſcended to intermeddle with a diſpute about private property.—Divers papers, letters, and other unauthenticated ex parte evidence were laid before them; neither the perſons who deſtroyed the tea, nor the people of Boſton, were called upon to anſwer the complaint. The miniſtry, incenſed by being diſappointed in a favourite ſcheme, were determined to recur from the little arts of fineſſe, to open force and unmanly violence. The port of Boſton was blocked up by a fleet, and an army placed in the town. Their trade was to be ſuſpended, and thouſands reduced to the neceſſity of gaining ſubſiſtence

from

from charity, till they ſhould ſubmit to paſs under the yoke, and conſent to become ſlaves, by confeſſing the omnipotence of parliament, and acquieſcing in whatever diſpoſition they might think proper to make of their lives and property.

Let juſtice and humanity ceaſe to be the boaſt of your nation! conſult your hiſtory—examine your records of former tranſactions; nay, turn to the annals of the many arbitrary ſtates and kingdoms that ſurround you, and ſhew us a ſingle inſtance of men being condemned to ſuffer for imputed crimes, unheard, unqueſtioned, and without even the ſpecious formality of a trial; and that too by laws made expreſsly for the purpoſe, and which had no exiſtence at the time of the fact committed. If it be difficult to reconcile theſe proceedings to the genius and temper of your laws and conſtitution, the taſk will become more arduous, when we call upon our miniſterial enemies to juſtify, not only condemning men untried and by hearſay, but involving the innocent in one common puniſhment with the guilty, and for the act of thirty or forty, to bring poverty, diſtreſs and calamity, on thirty thouſand ſouls, and thoſe not your enemies, but your friends, brethren, and fellow-ſubjects.

It would be ſome conſolation to us, if the catalogue of American oppreſſions ended here. It gives us pain to be reduced to the neceſſity of reminding you, that under the confidence repoſed

poſed in the faith of government, pledged in a royal charter from a Britiſh ſovereign, the forefathers of the preſent inhabitants of the Maſſachuſetts-Bay left their former habitations, and eſtabliſhed that great, flouriſhing, and loyal colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without juſtice, by an act of parliament, their charter is deſtroyed, their liberties violated, their conſtitution and form of government changed: and all this upon no better pretence, than becauſe in one of their towns a treſpaſs was committed on ſome merchandize ſaid to belong to one of the companies, and becauſe the miniſtry were of opinion, that ſuch high political regulations were neceſſary to compel due ſubordination and obedience to their mandates.

Nor are theſe the only capital grievances under which we labour. We might tell of diſſolute, weak and wicked governors having been ſet over us; of legiſlatures being ſuſpended for aſſerting the rights of Britiſh ſubjects—of needy and ignorant dependants on great men advanced to the ſeats of juſtice, and to other places of truſt and importance;—of hard reſtrictions on commerce, and a great variety of leſſer evils, the recollection of which is almoſt loſt under the weight and preſſure of greater and more poignant calamities.

Now

Now mark the progreſſion of the miniſterial plan for enſlaving us.

WELL aware that ſuch hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to ſeize our perſons, and carry us for trial to Great-Britain; to blockade our ports; to deſtroy our charters, and change our forms of government, would occaſion, and had already occaſioned, great diſcontent in all the colonies, which might produce oppoſition to theſe meaſures: an act was paſſed to protect, indemnify, and ſcreen from puniſhment ſuch as might be guilty even of murder, in endeavouring to carry their oppreſſive edicts into execution; and by another act the dominion of Canada is to be ſo extended, modelled and governed, as that by being diſunited from us, detached from our intereſts, by civil as well as religious prejudices, that by their numbers daily ſwelling with Catholick emigrants from Europe, and by their devotion to adminiſtration, ſo friendly to their religion, they might become formidable to us, and on occaſion be fit inſtruments in the hands of power, to reduce the ancient free Proteſtant colonies to the ſame ſtate of ſlavery with themſelves.

THIS was evidently the object of the act:—and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hoſtile to Britiſh America.—Superadded

peradded to theſe conſiderations, we cannot help deploring the unhappy condition to which it has reduced the many Engliſh ſettlers, who, encouraged by the royal proclamation, promiſing the enjoyment of all their rights, have purchaſed eſtates in that country.—They are now the ſubjects of an arbitrary government, deprived of trial by jury, and when impriſoned cannot claim the benefit of the habeas corpus act, that great bulwark and palladium of Engliſh liberty:—nor can we ſuppreſs our aſtoniſhment, that a Britiſh parliament ſhould ever conſent to eſtabliſh in that country a religion that has deluged your iſland in blood, and diſperſed impiety, bigotry, perſecution, murder and rebellion, through every part of the world.

THIS being a true ſtate of facts, let us beſeech you to conſider to what end they lead.

ADMIT that the miniſtry, by the powers of Britain, and the aid of our Roman Catholick neighbours, ſhould be able to carry the point of taxation, and reduce us to a ſtate of perfect humiliation and ſlavery. Such an enterprize would doubtleſs make ſome addition to your national debt, which already preſſes down your liberties, and fills you with penſioners and placemen.—We preſume, alſo, that your commerce will ſomewhat be diminiſhed. However, ſuppoſe you ſhould prove victorious—in what condition will you

you then be? What advantages or what laurels will you reap from ſuch a conqueſt?

May not a miniſtry with the ſame armies enſlave you?—It may be ſaid you will ceaſe to pay them—but remember the taxes from America, the wealth, and we may add, the men, and particularly the Roman Catholicks of this vaſt continent will then be in the power of your enemies—nor will you have any reaſon to expect, that, after making ſlaves of us, many among us ſhould refuſe to aſſiſt in reducing you to the ſame abject ſtate.

Do not treat this as chimerical—Know that in leſs than half a century, the quitrents reſerved to the crown, from the numberleſs grants of this vaſt continent, will pour large ſtreams of wealth into the royal coffers, and if to this be added the power of taxing America at pleaſure, the crown will be rendered independent on you for ſupplies, and will poſſeſs more treaſure than may be neceſſary to purchaſe the remains of liberty in your iſland.—In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much juſtice, and much publick ſpirit in the Engliſh nation—To that juſtice we now appeal. You have been told that we are ſeditious, impatient of government, and deſirous of independency.

Be

Be aſſured that theſe are not facts, but calumnies—Permit us to be as free as yourſelves, and we ſhall ever eſteem a union with you to be our greateſt glory and our greateſt happineſs; we ſhall ever be ready to contribute all in our power to the welfare of the empire—we ſhall conſider your enemies as our enemies, and your intereſt as our own.

But if you are determined that your miniſters ſhall wantonly ſport with the rights of mankind—If neither the voice of juſtice, the dictates of the law, the principles of the conſtitution, or the ſuggeſtions of humanity, can reſtrain your hands from ſhedding human blood in ſuch an impious cauſe, we muſt then tell you that we never will ſubmit to be hewers of wood or drawers of water for any miniſtry or nation in the world.

Place us in the ſame ſituation that we were at the cloſe of the laſt war, and our former harmony will be reſtored.

But leſt the ſame ſupineneſs and the ſame inattention to our common intereſt, which you have for ſeveral years ſhewn, ſhould continue, we think it prudent to anticipate the conſequences.

By the deſtruction of the trade of Boſton, the miniſtry have endeavoured to induce ſubmiſſion to their meaſures.—The like fate may befal us all,

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all, we will endeavour therefore to live without trade, and recur for ſubſiſtence to the fertility and bounty of our native ſoil, which will afford us all the neceſſaries and ſome of the conveniencies of life.—We have ſuſpended our importation from Great-Britain and Ireland; and in leſs than a year's time, unleſs our grievances ſhould be redreſſed, ſhall diſcontinue our exports to thoſe kingdoms and the Weſt-Indies.

It is with the utmoſt regret, however, that we find ourſelves compelled by the over-ruling principles of ſelf-preſervation, to adopt meaſures detrimental in their conſequences to numbers of our fellow-ſubjects in Great-Britain and Ireland. But we hope that the magnanimity and juſtice of the Britiſh nation will furniſh a parliament of ſuch wiſdom, independence and publick ſpirit, as may ſave the violated rights of the whole empire from the devices of wicked miniſters and evil counſellors whether in or out of office, and thereby reſtore that harmony, friendſhip and fraternal affection between all the inhabitants of his majeſty's kingdoms and territories, ſo ardently wiſhed for by every true and honeſt American.

NOTE

NOTE VIII. PAGE 23.

To the INHABITANTS of the COLONIES of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, the Counties of New-Caſtle, Kent and Suſſex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina.

FRIENDS and COUNTRYMEN,

WE, the delegates appointed by the good people of theſe colonies to meet at Philadelphia in September laſt, for the purpoſes mentioned by our reſpective conſtituents, have, in purſuance of the truſt repoſed in us, aſſembled, and taken into our moſt ſerious conſideration the important matters recommended to the Congreſs. Our reſolutions thereupon will be herewith communicated to you. But, as the ſituation of publick affairs grows daily more and more alarming; and as it may be more ſatisfactory to you to be informed by us in a collective body, than in any other manner, of thoſe ſentiments that have been approved, upon a full and free diſcuſſion by the repreſentatives of ſo great a part of America, we eſteem ourſelves obliged to add this addreſs to theſe reſolutions.

IN every caſe of oppoſition by a people to their rulers, or of one ſtate to another, duty to Almighty

Almighty GOD, the Creator of all, requires that a true and impartial judgment be formed of the meaſures leading to ſuch oppoſition; and of the cauſes by which it has been provoked, or can in any degree be juſtified: that neither affection on the one hand, nor reſentment on the other, being permitted to give a wrong bias to reaſon, it may be enabled to take a diſpaſſionate view of all circumſtances, and to ſettle the publick conduct on the ſolid foundations of wiſdom and juſtice.

FROM councils thus tempered ariſe the ſureſt hopes of the Divine favour, the firmeſt encouragement to the parties engaged, and the ſtrongeſt recommendation of their cauſe to the reſt of mankind.

WITH minds deeply impreſſed by a ſenſe of theſe truths, we have diligently, deliberately and calmly enquired into and conſidered thoſe exertions, both of the legiſlative and executive power of Great-Britain, which have excited ſo much uneaſineſs in America, and have with equal fidelity and attention conſidered the conduct of the colonies. Upon the whole, we find ourſelves reduced to the diſagreeable alternative of being ſilent and betraying the innocent, or of ſpeaking out and cenſuring thoſe we wiſh to revere.—In making our choice of theſe diſtreſſing difficulties, we prefer the courſe dictated by honeſty, and a regard for the welfare of our country.

SOON

SOON after the concluſion of the late war, there commenced a memorable change in the treatment of theſe colonies. By a ſtatute made in the fourth year of the preſent reign, a time of profound peace, alleging 'the expediency 'of new proviſions and regulations for extend-'ing the commerce between Great-Britain and 'his majeſty's dominions in America, and the 'neceſſity of raiſing a revenue in the ſaid domi-'nions for defraying the expences of defending, 'protecting, and ſecuring the ſame,' the commons of Great-Britain undertook to give and grant to his majeſty many rates and duties, to be paid in theſe colonies. To enforce the obſervance of this act, it preſcribes a great number of ſevere penalties and forfeitures; and in two ſections makes a remarkable diſtinction between the ſubjects in Great-Britain and thoſe in America. By the one, the penalties and forfeitures incurred there are to be recovered in any of the King's courts of record at Weſtminſter, or in the court of exchequer in Scotland; and by the other, the penalties and forfeitures incurred here are to be recovered in any court of record, or in any court of admiralty or vice-admiralty, at the election of the informer or proſecutor.

THE inhabitants of theſe colonies, confiding in the juſtice of Great-Britain, were ſcarcely allowed ſufficient time to receive and conſider this act, before another, well known by the

name of the ſtamp-act, and paſſed in the fifth year of this reign, engroſſed their whole attention. By this ſtatute the Britiſh parliament exerciſed, in the moſt explicit manner, a power of taxing us, and, extending the juriſdiction of courts of admiralty and vice-admiralty in the colonies to matters ariſing within the body of a county, directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the ſaid courts.

In the ſame year a tax was impoſed upon us by an act eſtabliſhing ſeveral new fees in the cuſtoms. In the next year the ſtamp-act was repealed; not becauſe it was founded in an erroneous principle, but, as the repealing act recites, becauſe 'the continuance thereof would be 'attended with many inconveniencies, and might 'be productive of conſequences greatly detri-'mental to the commercial intereſt of Great-'Britain.'

In the ſame year, and by a ſubſequent act, it was declared, 'that his majeſty in parlia-'ment, of right, had power to bind the people 'of theſe colonies by ſtatutes IN ALL CASES 'WHATSOEVER.'

In the ſame year another act was paſſed for impoſing rates and duties payable in theſe colonies. In this ſtatute the commons, avoiding the terms of giving and granting, 'humbly beſought 'his

'his majeſty that it might be enacted,' &c. But, from a declaration in the preamble, that the rates and duties were 'in lieu of' ſeveral others granted by the ſtatute firſt before mentioned for raiſing a revenue, and from ſome other expreſſions it appears, that theſe duties were intended for that purpoſe.

In the next year, 1767, an act was made 'to enable his majeſty to put the cuſtoms and 'other duties in America under the management 'of commiſſioners,' &c. and the King thereupon erected the preſent expenſive board of commiſſioners, for the expreſs purpoſe of carrying into execution the ſeveral acts relating to the revenue and trade in America.

After the repeal of the ſtamp-act, having again reſigned ourſelves to our ancient unſuſpicious affections for the parent-ſtate, and anxious to avoid any controverſy with her, in hopes of a favourable alteration in ſentiments and meaſures towards us, we did not preſs our objections againſt the above-mentioned ſtatutes made ſubſequent to that repeal.

Administration, attributing to trifling cauſes a conduct that really proceeded from generous motives, were encouraged in the ſame year, 1767, to make a bolder experiment on the patience of America.

By a ſtatute commonly called the glaſs, papet and tea-act, made fifteen months after the repeal of the ſtamp-act, the commons of Great-Britain reſumed their former language, and again undertook to 'give and grant rates and duties to be 'paid in theſe colonies,' for the expreſs purpoſe of 'raiſing a revenue to defray the charges of 'the adminiſtration of juſtice, the ſupport of civil 'government, and defending the King's domi-'nions,' on this continent. The penalties and forfeitures incurred under this ſtatute, are to be recovered in the ſame manner, with thoſe mentioned in the foregoing acts.

To this ſtatute, ſo naturally tending to diſturb the tranquility then univerſal throughout the colonies, parliament, in the ſame ſeſſion, added another no leſs extraordinary.

Ever ſince the making the preſent peace, a ſtanding army has been kept in theſe colonies. From reſpect for the mother-country, the innovation was not only tolerated, but the provincial legiſlatures generally made proviſion for ſupplying the troops.

The aſſembly of the province of New-York, having paſſed an act of this kind, but differing in ſome articles from the directions of the act of parliament made in the fifth year of this reign, the houſe of repreſentatives in that colony was prohibited by a ſtatute made in the ſeſſion laſt

mentioned,

mentioned, from making any bill, order, reſolution or vote, except for adjourning or chooſing a ſpeaker, until proviſion ſhould be made by the ſaid aſſembly for furniſhing the troops within that province, not only with all ſuch neceſſaries as were required by the ſtatute which they were charged with diſobeying, but alſo with thoſe required by two other ſubſequent ſtatutes, which were declared to be in force until the twenty-fourth day of March 1769.

THESE ſtatutes of the year 1767 revived the apprehenſions and diſcontents, that had entirely ſubſided on the repeal of the ſtamp-act; and, amidſt the juſt fears and jealouſies thereby occaſioned, a ſtatute was made in the next year, 1768, to eſtabliſh courts of admiralty and vice-admiralty on a new model, expreſsly for the end of more effectually recovering the penalties and forfeitures inflicted by acts of parliament, framed for the purpoſe of raiſing a revenue in America, &c.

THE immediate tendency of theſe ſtatutes is, to ſubvert the right of having a ſhare in legiſlation, by rendering aſſemblies uſeleſs; the right of property, by taking the money of the coloniſts without their conſent; the right of trials by jury, by ſubſtituting in their place trials in admiralty and vice-admiralty courts, where ſingle judges preſide, holding their commiſſions during pleaſure; and unduly to influence the courts of common

common law, by rendering the judges thereof totally dependant on the crown for their ſalaries.

THESE ſtatutes, not to mention many others exceedingly exceptionable, compared one with another, will be found, not only to form a regular ſyſtem in which every part has great force, but alſo a pertinacious adherence to that ſyſtem, for ſubjugating theſe colonies that are not, and from local circumſtances cannot, be repreſented in the houſe of commons, to the uncontrolable and unlimited power of parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated ſupplications.

THIS conduct muſt appear equally aſtoniſhing and unjuſtifiable, when it is conſidered how unprovoked it has been by any behaviour of theſe colonies. From their firſt ſettlement their bittereſt enemies never fixed on any of them a charge of diſloyalty to their ſovereign, or diſaffection to their mother-country. In the wars ſhe has carried on, they have exerted themſelves whenever required, in giving her aſſiſtance; and have rendered her ſervices, which ſhe has publickly acknowledged to be extremely important. Their fidelity, duty and uſefulneſs, during the laſt war, were frequently and affectionately confeſſed by his late majeſty and the preſent King.

THE reproaches of thoſe who are moſt unfriendly to the freedom of America, are princi-

pally

pally levelled againſt the province of Maſſachuſetts-Bay; but with what little reaſon will appear by the following declarations of a perſon, the truth of whoſe evidence, in their favour, will not be queſtioned—Governor Bernard thus addreſſes the two houſes of aſſembly, in his ſpeech on the 24th of April 1762,—'The unanimity and diſpatch, with which you have complied with the requiſitions of his majeſty, require my particular acknowledgment. And it gives me additional pleaſure to obſerve, that you have therein acted under no other influence than a due ſenſe of your duty, both as members of a general empire, and as the body of a particular province.'

In another ſpeech, on the 27th of May, in the ſame year, he ſays,—'Whatever ſhall be the event of the war, it muſt be no ſmall ſatisfaction to us, that this province hath contributed its full ſhare to the ſupport of it. Every thing that hath been required of it hath been complied with; and the execution of the powers committed to me, for raiſing the provincial troops, hath been as full and complete as the grant of them. Never before were regiments ſo eaſily levied, ſo well compoſed, and ſo early in the field as they have been this year; the common people ſeemed to be animated with the ſpirit of the general court, and to vie with them in their readineſs to ſerve the King.'

SUCH was the conduct of the people of the Maſſachuſetts-Bay, during the laſt war. As to their behaviour before that period, it ought not to have been forgot in Great-Britain, that not only on every occaſion they had conſtantly and cheerfully complied with the frequent royal requiſitions—but that chiefly by their vigorous efforts, Nova-Scotia was ſubdued in 1710, and Louiſbourg in 1745.

FOREIGN quarrels being ended, and the domeſtick diſturbances that quickly ſucceeded on account of the ſtamp-act, being quieted by its repeal, the aſſembly of Maſſachuſetts-Bay tranſmitted an humble addreſs of thanks to the King and divers noblemen, and ſoon after paſſed a bill for granting compenſation to the ſufferers in the diſorder occaſioned by that act.

THESE circumſtances, and the following extracts from governor Bernard's letters in 1768, to the earl of Shelburne, ſecretary of ſtate, clearly ſhew, with what grateful tenderneſs they ſtrove to bury in oblivion the unhappy occaſion of the late diſcords, and with what reſpectful deference they endeavoured to eſcape other ſubjects of future controverſy. 'The houſe,' ſays the governor, 'from the time of opening 'the ſeſſion to this day, has ſhewn a diſpoſition 'to avoid all diſpute with me; every thing hav-'ing paſſed with as much good humour as I 'could deſire, except only their continuing to

'act

'act in addreſſing the King, remonſtrating to the 'ſecretary of ſtate, and employing a ſeparate 'agent. It is the importance of this innovation, 'without any wilfulneſs of my own, which in-'duces me to make this remonſtrance at a time 'when I have a fair proſpect of having, in all 'other buſineſs, nothing but good to ſay of the 'proceedings of the houſe.'*

'THEY have acted in all things, even in their 'remonſtrance, with temper and moderation; they 'have avoided ſome ſubjects of diſpute, and have 'laid a foundation for removing ſome cauſes of 'former altercation.'‡

'I SHALL make ſuch a prudent and proper uſe 'of this letter as, I hope, will perfectly reſtore 'the peace and tranquility of this province, for 'which purpoſe conſiderable ſteps have been made 'by the houſe of repreſentatives.'¶

THE vindication of the province of Maſſachuſetts-Bay, contained in theſe letters, will have greater force, if it be conſidered, that they were written ſeveral months after the freſh alarm given to the colonies by the ſtatutes paſſed in the preceding year.

IN this place it ſeems proper to take notice of the inſinuation in one of theſe ſtatutes, that the interference of parliament was neceſſary to pro-

 vide

* January 21, 1768. ‡ January 30, 1768. ¶ Feb. 2, 1768.

vide for 'defraying the charge of the admini-'ſtration of juſtice, the ſupport of civil govern-'ment, and defending the King's dominions in 'America.'

As to the two firſt articles of expence, every colony had made ſuch proviſion, as by their reſpective aſſemblies, the beſt judges on ſuch occaſions, was thought expedient, and ſuitable to their ſeveral circumſtances. Reſpecting the laſt, it is well known to all men the leaſt acquainted with American affairs, that the colonies were eſtabliſhed, and have generally defended themſelves, without the leaſt aſſiſtance from Great-Britain; and, that at the time of her taxing them by the ſtatutes before mentioned, moſt of them were labouring under very heavy debts contracted in the laſt war. So far were they from ſparing their money, when their ſovereign, conſtitutionally, aſked their aids, that, during the courſe of that war, parliament repeatedly made them compenſations for the expences of thoſe ſtrenuous efforts, which, conſulting their zeal rather than their ſtrength, they had cheerfully incurred.

SEVERE as the acts of parliament before-mentioned are, yet the conduct of adminiſtration has been equally injurious, and irritating to this devoted country.

UNDER pretence of governing them, ſo many new inſtitutions, uniformly rigid and dangerous, have

have been introduced, as could only be expected from incenſed maſters, for collecting the tribute, or rather the plunder, of conquered provinces.

By an order of the King, the authority of the commander in chief, and under him of the brigadiers general, in time of peace, is rendered ſupreme in all the civil governments in America; and thus an uncontrolable military power is veſted in officers not known to the conſtitution of theſe colonies.

A large body of troops, and a conſiderable armament of ſhips of war, have been ſent to aſſiſt in taking their money without their conſent.

Expensive and oppreſſive offices have been multiplied, and the acts of corruption induſtriouſly practiſed to divide and deſtroy.

The judges of the Admiralty and Vice-Admiralty courts are empowered to receive their ſalaries and fees from the effects to be condemned by themſelves.

The commiſſioners of the cuſtoms are empowered to break open and enter houſes without the authority of any civil magiſtrate founded on legal information.

Judges of courts of common law have been made

made entirely dependant on the crown for their commiſſions and ſalaries.

A COURT has been eſtabliſhed at Rhode-Iſland, for the purpoſe of taking coloniſts to England to be tried.

HUMBLE and reaſonable petitions from the repreſentatives of the people have been frequently treated with contempt; and aſſemblies have been repeatedly and arbitrarily diſſolved.

FROM ſome few inſtances it will ſufficiently appear on what pretences of juſtice thoſe diſſolutions have been founded.

THE tranquility of the colonies having been again diſturbed, as has been mentioned, by the ſtatutes of the year 1767, the earl of Hillſborough, ſecretary of ſtate, in a letter to governor Bernard, dated April 22, 1768, cenſures the 'preſumption' of the houſe of repreſentatives for 'reſolving upon a meaſure of ſo inflammatory a 'nature as that of writing to the other colonies, 'on the ſubject of their intended repreſentations 'againſt ſome late acts of parliament,' then declares that 'his majeſty conſiders this ſtep as 'evidently tending to create unwarrantable com-'binations, to excite an unjuſtifiable oppoſition to 'the conſtitutional authority of parliament'—and afterwards adds,—'It is the King's pleaſure, 'that as ſoon as the general court is again aſ-'ſembled,

'ſembled, at the time preſcribed by the charter, 'you ſhould require of the houſe of repreſenta-'tives, in his majeſty's name, to reſcind the re-'ſolution which gave birth to the circular letter 'from the ſpeaker, and to declare their diſappro-'bation of, and diſſent to, that raſh and haſty 'proceeding.'

'If the new aſſembly ſhould refuſe to comply 'with his majeſty's reaſonable expectation, it is 'the King's pleaſure that you ſhould immediately 'diſſolve them.'

This letter being laid before the houſe, and the reſolution not being reſcinded according to the order, the aſſembly was diſſolved. A letter of a ſimilar nature was ſent to other governors to procure reſolutions, approving the conduct of the repreſentatives of Maſſachuſetts-Bay, to be reſcinded alſo; and the houſes of repreſentatives in other colonies refuſing to comply, aſſemblies were diſſolved.

These mandates ſpoke a language, to which the ears of Engliſh ſubjects had for ſeveral generations been ſtrangers. The nature of aſſemblies implies a power and right of deliberation; but theſe commands, proſcribing the exerciſe of judgment on the propriety of the requiſitions made, left to the aſſemblies only the election between dictated ſubmiſſion and threatened puniſhment: a puniſhment too, founded on no other

other act, than ſuch as is deemed innocent even in ſlaves—of agreeing in petitions for redreſs of grievances, that equally affect all.

THE hoſtile and unjuſtifiable invaſion of the town of Boſton ſoon followed theſe events in the ſame year; though that town, the province in which it is ſituated, and all the colonies, from abhorrence of a conteſt with their parent-ſtate, permitted the execution even of thoſe ſtatutes, againſt which they ſo unanimouſly were complaining, remonſtrating and ſupplicating.

ADMINISTRATION, determined to ſubdue a ſpirit of freedom, which Engliſh miniſters ſhould have rejoiced to cheriſh, entered into a monopolizing combination with the Eaſt-India company, to ſend to this continent vaſt quantities of tea, an article on which a duty was laid by a ſtatute, that, in a particular manner, attacked the liberties of America, and which therefore the inhabitants of theſe colonies had reſolved not to import. The cargo ſent to South-Carolina was ſtored, and not allowed to be ſold. Thoſe ſent to Philadelphia and New-York were not permitted to be landed. That ſent to Boſton was deſtroyed, becauſe governor Hutchinſon would not ſuffer it to be returned.

ON the intelligence of theſe tranſactions arriving in Great-Britain, the publick ſpirited town laſt mentioned was ſingled out for deſtruction, and

and it was determined, the province it belongs to ſhould partake of its fate. In the laſt ſeſſion of parliament, therefore, were paſſed the acts for ſhutting up the port of Boſton, indemnifying the murderers of the inhabitants of Maſſachuſetts-Bay, and changing their chartered conſtitution of government. To enforce theſe acts, that province is again invaded by a fleet and army.

To mention theſe outrageous proceedings, is ſufficient to explain them. For though it is pretended, that the province of Maſſachuſetts-Bay has been particularly diſreſpectful to Great-Britain, yet in truth the behaviour of the people, in other colonies, has been an equal 'oppoſition to 'the power aſſumed by parliament.' No ſtep, however, has been taken againſt any of the reſt. This artful conduct conceals ſeveral deſigns. It is expected that the province of Maſſachuſetts-Bay will be irritated into ſome violent action, that may diſpleaſe the reſt of the continent, or that may induce the people of Great-Britain to approve the meditated vengeance of an imprudent and exaſperated miniſtry.

If the unexampled pacifick temper of that province ſhall diſappoint this part of the plan, it is hoped the other colonies will be ſo far intimidated as to deſert their brethren, ſuffering in a common cauſe, and that thus diſunited all may be ſubdued.

To

To promote theſe deſigns, another meaſure has been purſued. In the ſeſſion of parliament laſt mentioned, an act was paſſed for changing the government of Quebec, by which act the Roman Catholick religion, inſtead of being tolerated, as ſtipulated by the treaty of peace, is eſtabliſhed; and the people there are deprived of the right to an aſſembly, trials by jury and the Engliſh laws in civil caſes are aboliſhed, and, inſtead thereof, the French laws are eſtabliſhed, in direct violation of his majeſty's promiſe by his royal proclamation, under the faith of which many Engliſh ſubjects ſettled in that province; and the limits of that province are extended ſo as to comprehend thoſe vaſt regions that lie adjoining to the northerly and weſterly boundaries of theſe colonies.

THE authors of this arbitrary arrangement flatter themſelves, that the inhabitants, deprived of liberty, and artfully provoked againſt thoſe of another religion, will be proper inſtruments for aſſiſting in the oppreſſion of ſuch as differ from them in modes of government and faith.

FROM the detail of facts herein before recited, as well as from authentick intelligence received, it is clear beyond a doubt, that a reſolution is formed, and is now carrying into execution, to extinguiſh the freedom of theſe colonies, by ſubjecting them to a deſpotick government.

AT

At this unhappy period we have been authorized and directed to meet and conſult together for the welfare of our common country. We accepted the important truſt with diffidence, but have endeavoured to diſcharge it with integrity. Though the ſtate of theſe colonies would certainly juſtify other meaſures than we have adviſed, yet weighty reaſons determined us to prefer thoſe which we have adopted. In the firſt place it appeared to us a conduct becoming the character theſe colonies have ever ſuſtained, to perform, even in the midſt of the unnatural diſtreſſes and imminent dangers that ſurround them, every act of loyalty; and therefore we were induced to offer once more to his majeſty the petitions of his faithful and oppreſſed ſubjects in America. Secondly, regarding, with the tender affection which we knew to be ſo univerſal among our countrymen, the people of the kingdom from which we derive our origin, we could not forbear to regulate our ſteps by an expectation of receiving full conviction, that the coloniſts are equally dear to them. Between theſe provinces and that body ſubſiſts the ſocial band, which we ardently wiſh may never be diſſolved, and which cannot be diſſolved until their minds ſhall become indiſputably hoſtile, or their inattention ſhall permit thoſe who are thus hoſtile to perſiſt in proſecuting, with the powers of the realm, the deſtructive meaſures already operating againſt the coloniſts; and in either caſe ſhall reduce the latter to ſuch a ſituation, that

they ſhall be compelled to renounce every regard, but that of ſelf-preſervation. Notwithſtanding the vehemence with which affairs have been impelled, they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid; we have choſen a method of oppoſition that does not preclude a hearty reconciliation with our fellow-citizens on the other ſide of the Atlantic. We deeply deplore the urgent neceſſity that preſſes us to an immediate interruption of commerce, that may prove injurious to them. We truſt they will acquit us of any unkind intentions towards them, by reflecting that we ſubject ourſelves to ſimilar inconveniencies; that we are driven by the hands of violence into unexperienced and unexpected publick convulſions, and that we are contending for freedom ſo often contended for by our anceſtors.

THE people of England will ſoon have an opportunity of declaring their ſentiments concerning our cauſe. In their piety, generoſity and good ſenſe, we repoſe high confidence; and cannot, upon a review of paſt events, be perſuaded, that they, the defenders of true religion, and the aſſertors of the rights of mankind, will take part againſt their affectionate Proteſtant brethren in the colonies, in favour of our open and their own ſecret enemies, whoſe intrigues, for ſeveral years paſt, have been wholly exerciſed in ſapping the foundations of civil and religious liberty.

ANOTHER reaſon that engaged us to prefer the commercial mode of oppoſition, aroſe from an aſſurance that this mode will prove efficacious if it be perſiſted in with fidelity and virtue; and that your conduct will be influenced by theſe laudable principles, cannot be queſtioned. Your own ſalvation, and that of your poſterity, now depends upon yourſelves. You have already ſhewn that you entertain a proper ſenſe of the bleſſings you are ſtriving to retain. Againſt the temporary inconveniencies you may ſuffer from a ſtoppage of trade, you will weigh in the oppoſite balance, the endleſs miſeries you and your deſcendants muſt endure from an eſtabliſhed arbitrary power. You will not forget the honour of your country, that muſt, from your behaviour, take its title in the eſtimation of the world, to glory, or to ſhame; and you will, with the deepeſt attention, reflect, that, if the peaceable mode of oppoſition recommended by us be broken and rendered ineffectual, as your cruel and haughty miniſterial enemies, from a contemptuous opinion of your firmneſs, inſolently predict will be the caſe, you muſt inevitably be reduced to chooſe, either a more dangerous conteſt, or a final, ruinous and infamous ſubmiſſion.

MOTIVES thus cogent, ariſing from the emergency of your unhappy condition, muſt excite your utmoſt diligence and zeal to give all poſſible ſtrength and energy to the pacifick meaſures calculated for your relief; but we think ourſelves

ſelves bound in duty to obſerve to you, that the ſchemes agitated againſt theſe colonies have been ſo conducted, as to render it prudent that you ſhould extend your views to mournful events, and be in all reſpects prepared for every contingency. Above all things we earneſtly entreat you, with devotion of ſpirit, penitence of heart, and amendment of life, to humble yourſelves, and implore the favour of Almighty GOD: and we fervently beſeech his Divine Goodneſs to take you into his gracious protection!

NOTE IX. PAGE 60.

The addreſs of the general committee of Charleſton, to the governor of the province of South-Carolina.

In general committee, September 29, 1775.

MAY it pleaſe your EXCELLENCY,

IT is with great concern we find that, for ſome days paſt, your excellency has been pleaſed to withdraw yourſelf from Charleſton, the ſeat of your government, and have retired on board the King's ſhip. The inconveniencies which muſt unavoidably ariſe to the people, deprived, by this ſtep, of that acceſs to your excellency, which is abſolutely neceſſary for tranſacting publick affairs, is apparent; and we ſubmit to your excellency's conſideration, whether the retirement of our governor to a King's ſhip, in this time of general diſquietude, when the minds of the people are filled

filled with the greateſt apprehenſions for their ſafety, may not encreaſe their alarm, and excite jealouſies of ſome premeditated deſign againſt them. We therefore entreat, that your excellency will return to Charleſton, the uſual place of reſidence of the governor of South-Carolina; and your excellency may be aſſured, that whilſt, agreeable to your repeated and ſolemn declarations, your excellency ſhall take no active part againſt the good people of this colony, in the preſent arduous ſtruggle for the preſervation of their civil liberties, we will, to the utmoſt of our power, ſecure to your excellency that ſafety and reſpect for your perſon and character, which the inhabitants of Carolina have ever wiſhed to ſhew to the repreſentative of their ſovereign.

By order of the general committee,

HENRY LAURENS, Chairman.

To lord William Campbell, governor and commander in chief, in and over his majeſty's province of South-Carolina, &c. on board his majeſty's ſloop Tamer, in Rebellion-Road.

HIS EXCELLENCY'S ANSWER.

Tamer, Rebellion-Road, September 30.

SIR,

I HAVE received a meſſage, ſigned by you, from a ſet of people who ſtyle themſelves a General

neral Committee. The preſumption of ſuch an addreſs from a body aſſembled by no legal authority, and whom I muſt conſider as in actual and open rebellion againſt their ſovereign, can only be equalled by the outrages which obliged me to take refuge on board the King's ſhips in the harbour. It deſerves no anſwer, nor ſhould I have given it any, but to mark the hardineſs with which you have advanced, that I could ſo far forget my duty to my ſovereign and my country, as to promiſe I would take no active part in bringing the ſubverters of our glorious conſtitution, and the real liberties of the people, to a ſenſe of their duty. The unmanly arts that have already been uſed to prejudice me in the general opinion, may ſtill be employed by that committee. But I never will return to Charleſton till I can ſupport the King's authority, and protect his faithful and loyal ſubjects. Whenever the people of this province will put it in my power to render them eſſential ſervice, I will, with pleaſure, embrace the opportunity, and think it a very happy one.

I am,

Sir,

Your moſt humble ſervant,

WILLIAM CAMPBELL.

To Henry Laurens, eſq.

NOTE

NOTE X. PAGE 68.

By the honourable William-Henry Drayton, eſq.

A DECLARATION.

WHEREAS the liberties of America being treacherouſly and cruelly violated, by an abandoned adminiſtration in Great-Britain, ſurrounding the throne, and deceiving majeſty, for their own corrupt purpoſes, thirteen American colonies, including New-Hampſhire to the north, and Georgia to the ſouth, virtuouſly, glorioufly, (thanks to the LORD of Hoſts!) ſucceſsfully are confederated, at the hazard of their lives and fortunes, to wreſt from the hands of traitors thoſe invaluables which they had raviſhed from them, and which the Americans have endeavoured to recover by every peaceable mode of application.

AND whereas the tools of adminiſtration have encouraged certain inhabitants of this colony to attempt, by every practicable meaſure, to oppoſe and to counteract the virtuous efforts of America; theſe inhabitants, men of low degree among us, though of eminence in this country; men totally illiterate, though of common natural parts; men endeavouring, at this calamitous time, to riſe in the world, by miſleading their honeſt neighbours; men who are by his excellency the governor promiſed to be amply rewarded for ſuch

ſuch an infamous conduct: theſe men knowingly deceive their neighbours, and wickedly ſelling their country, have practiſed every art, fraud and miſrepreſentation, to raiſe in this province an oppoſition to the voice of America:—to oppoſe this helliſh plan, the honourable the council of ſafety for this colony commiſſioned the reverend William Tennet and myſelf to make a progreſs through the diſturbed parts of this colony, 'to explain to the people at large the nature of 'the unhappy diſputes between Great-Britain and 'the American colonies;' thouſands heard and believed us; they owned their full conviction; they expreſſed their concern that they had been miſled; and they moſt ſincerely acceded to the aſſociation formed by the authority of our late Congreſs. Such a proceeding did not accord with the deſigns of theſe men, batrayers of their country, or the wiſhes of his excellency the governor, who by letters inſtigated them to ſtrengthen their party. To prevent a further defection, the leaders of the party reſolved, by the din of arms, to drown the voice of reaſon. For ſuch an infernal purpoſe, by the inſtigation of Moſes Kirkland, on or about the 29th of Auguſt laſt, men did actually aſſemble in arms, and with hoſtile intentions. My immediately aſſembling, and marching with a part of the militia, cauſed theſe men to diſperſe; but now, other leaders, of the ſame malignant party, correſpondents of his excellency the governor, have aſſembled men in arms, on the north ſide of Saludy river, who

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are now actually encamped at a charge and expence which his excellency the governor has promiſed to repay; and theſe men threaten to attack the troops under my orders. Wherefore, to prevent the effuſion of civil bloodſhed, I think it my duty to iſſue this declaration, in order that I may leave no moderate ſtep untried to recover a few of our unhappy countrymen from theſe deluſions, by which they have been drawn on to lift their arms againſt their injured country, glorioufly ſtruggling to enjoy the rights of mankind.

And whereas his excellency the governor has iſſued private directions, that all magiſtrates and militia officers be required to take the oath of allegiance, under penalty of diſmiſſion from their ſeveral ſtations, I do hereby declare, that, in point of law, his excellency has no authority to make ſuch requiſition from perſons who have already ſworn according to law, when they were inveſted in offices, civil or military; and that it is not only highly unbecoming in his majeſty's repreſentative, to threaten his majeſty's loyal ſubjects, in order to induce them to do things not warranted in law, but ſuch a conduct is of a moſt deſtructive tendency to the good of the King's real ſervice, inaſmuch as it tends to convince the people that his majeſty's ſervants in high truſt, in America, as well as Britain, equally conſpire to act without authority in law, to the deſtruction of their juſt rights and privileges.

ſuch an infamous conduct: theſe men knowingly deceive their neighbours, and wickedly ſelling their country, have practiſed every art, fraud and miſrepreſentation, to raiſe in this province an oppoſition to the voice of America:—to oppoſe this helliſh plan, the honourable the council of ſafety for this colony commiſſioned the reverend William Tennet and myſelf to make a progreſs through the diſturbed parts of this colony, 'to explain to the people at large the nature of 'the unhappy diſputes between Great-Britain and 'the American colonies;' thouſands heard and believed us; they owned their full conviction; they expreſſed their concern that they had been miſled; and they moſt ſincerely acceded to the aſſociation formed by the authority of our late Congreſs. Such a proceeding did not accord with the deſigns of theſe men, batrayers of their country, or the wiſhes of his excellency the governor, who by letters inſtigated them to ſtrengthen their party. To prevent a further defection, the leaders of the party reſolved, by the din of arms, to drown the voice of reaſon. For ſuch an infernal purpoſe, by the inſtigation of Moſes Kirkland, on or about the 29th of Auguſt laſt, men did actually aſſemble in arms, and with hoſtile intentions. My immediately aſſembling, and marching with a part of the militia, cauſed theſe men to diſperſe; but now, other leaders, of the ſame malignant party, correſpondents of his excellency the governor, have aſſembled men in arms, on the north ſide of Saludy river, who

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are now actually encamped at a charge and expence which his excellency the governor has promiſed to repay; and theſe men threaten to attack the troops under my orders. Wherefore, to prevent the effuſion of civil bloodſhed, I think it my duty to iſſue this declaration, in order that I may leave no moderate ſtep untried to recover a few of our unhappy countrymen from theſe deluſions, by which they have been drawn on to lift their arms againſt their injured country, glorioufly ſtruggling to enjoy the rights of mankind.

And whereas his excellency the governor has iſſued private directions, that all magiſtrates and militia officers be required to take the oath of allegiance, under penalty of diſmiſſion from their ſeveral ſtations, I do hereby declare, that, in point of law, his excellency has no authority to make ſuch requiſition from perſons who have already ſworn according to law, when they were inveſted in offices, civil or military; and that it is not only highly unbecoming in his majeſty's repreſentative, to threaten his majeſty's loyal ſubjects, in order to induce them to do things not warranted in law, but ſuch a conduct is of a moſt deſtructive tendency to the good of the King's real ſervice, inaſmuch as it tends to convince the people that his majeſty's ſervants in high truſt, in America, as well as Britain, equally conſpire to act without authority in law, to the deſtruction of their juſt rights and privileges.

AND whereas the leaders of our unhappy and deceived countrymen, now aſſembled in arms againſt the liberties of America, have drawn them into this dangerous and diſgraceful ſituation, by filling their minds with fears and apprehenſions that their lives and properties are in danger, from the deſigns of the Congreſs, the honourable the council of ſafety, the general committee, and the troops under my orders, becauſe they, our ſaid countrymen, have not acceded to our aſſociation: wherefore, to remove all ſuch ill-founded apprehenſions, in the name of, and by the authority veſted in me by the honourable the council of ſafety, I ſolemnly declare, that all ſuch apprehenſions are actually groundleſs; and I alſo declare, in the name of the council of ſafety, that our ſaid unhappy and deceived countrymen may, in perfect ſafety of their lives, perſons and property, repair to, and continue to dwell and abide at home, ſo long as they ſhall chooſe to behave peaceably.——We ſhudder even at the idea of diſtreſſing them in any ſhape; we abhor the idea of compelling any perſon to aſſociate with us; we only with ſorrow declare, that any perſon who will not aſſociate with, and aid and comfort us, in this arduous ſtruggle for our liberties, cannot by us be conſidered as friendly to us; and, therefore, that we cannot aid and comfort ſuch perſon, by holding that intercourſe and communication with ſuch perſon as is uſually held between friends.

And thus having, in the name of this colony, declared the terms upon which peace and ſafety may be had and enjoyed by our unfortunate countrymen as aforeſaid, it is my duty alſo to declare, that I ſhall march and attack, as publick enemies, all and every perſon in arms, or to be in arms, in this part of the colony, in oppoſition to the meaſures of Congreſs; and having, with the utmoſt patience and induſtry, gently endeavoured to perſuade men to a peaceable conduct, I now ſhall, with equal patience and induſtry, proſecute military meaſures with the utmoſt rigour; and I make no doubt but that, with the aſſiſtance of the Almighty,—witneſs our endeavours to avert the calamities of war—we ſhall ſpeedily obtain—the wiſh of every virtuous American—peace, ſafety, and ſecurity to our rights.

Given under may hand, this 13th day of September, 1775, at camp, near Ninety-Six.

William-Henry Drayton.

NOTE

NOTE XI. PAGE 68.

A treaty entered into between the honourable William-Henry Drayton, eſq. of the one part, in behalf of the congreſs of South-Carolina, and the favourers of royal government of the other.

WHEREAS miſunderſtandings but too often precipitate men and friends into quarrels and bloodſhed, which, but for ſuch miſunderſtandings, never would have happened: and whereas the preſent unhappy diſputes between Great-Britain and North-America, have unhappily occaſioned uneaſineſſes between a part of the people living between Broad and Saludy rivers, and other adjacent parts, and the other inhabitants of the colony aforeſaid, from miſunderſtandings as aforeſaid, inſomuch as the ſaid part of the people as aforeſaid, having tender conſciences, declined to accede to the aſſociation, ſigned in Congreſs on the 4th of June laſt; and that the ſaid other inhabitants, thereby thinking that the ſaid declining to accede, proceeded from principles and deſigns in them the ſaid part of the people, inimical to the proceedings and deſigns of the ſaid other inhabitants; and that the ſaid part of the people did mean to aid and aſſiſt, and join the Britiſh troops, if any ſhould arrive in the colony aforeſaid during the preſent unhappy diſputes aforeſaid: and whereas theſe are all miſunderſtandings, and it being the ſincere wiſh

and

and desire of all parts of the colony to live in peace and friendship with each; wherefore, for the clearing up of the said misunderstandings, and for the manifestation of the wish and desire aforesaid, colonel Thomas Fletchall, captain John Ford, capt. Thomas Green, captain Evan M'Laurin, the reverend Philip Mulkey, Mr. Robert Merrick, and captain Benjamin Wofford, deputies for, and sent by the part of the people aforesaid, have repaired to the camp of the honourable William-Henry Drayton, esquire, acting under the authority of the council of safety for the colony: and for the purposes aforesaid it is hereby contracted, agreed and declared, by the honourable William-Henry Drayton, in pursuance of powers vested in him by the honourable the council of safety as aforesaid, on the one part; and the deputies aforesaid, in pursuance of powers vested in them by the said part of the people, on the other part.

I. That the said declining of the part of the people aforesaid, to accede as aforesaid, did not proceed from any ill, or even unfriendly principle or design, in them the said part of the people, to or against the principles or designs of the congress of this colony, or authorities derived from that body; but proceeded only from a desire to abide in their usual peace and tranquility.

II. That the said part of the people never did mean to aid, assist, or join the British troops as aforesaid:

aforeſaid: and hereby it is declared, that if at any time during the preſent unhappy diſputes between Great-Britain and North-America, any Britiſh troops ſhall or may arrive in this colony, the deputies aforeſaid, for themſelves and the part of the people aforeſaid, by whom they the ſaid deputies are authorized, and whom they do repreſent, declare, that if any Britiſh troops as aforeſaid, ſhall arrive as aforeſaid, they the ſaid deputies, and the part of the people aforeſaid, ſhall not, and will not give, yield, or afford, directly or indirectly, to or for the uſe, advantage, or comfort of the ſaid Britiſh troops, or any part of them, any aid or aſſiſtance whatſoever; or hold with them the ſaid troops, or any part of them, any communication or correſpondence.

III. That if at any time during the unhappy diſputes as aforeſaid, any perſon or perſons of the part of the people aforeſaid, ſhall, by diſcourſe or word, reflect upon, cenſure, or condemn; or by any conduct oppoſe the proceedings of the congreſs of this colony, or authorities derived from them; the ſaid colony, the council of ſafety, or general committee, as the caſe may be, ſhall, without being deemed to give any umbrage to the part of the people aforeſaid, ſend to any of the deputies aforeſaid, to make requiſition, that any and every ſuch perſon or perſons as aforeſaid, offending in any of the premiſes aforeſaid, againſt the proceedings of the congreſs, or authorities

thorities aforeſaid, may and ſhall be delivered up to the authority of the congreſs, or the tribunals under that authority, to be queſtioned and tried, and proceeded againſt according to the mode of proceeding by authority of Congreſs: and if ſuch perſon or perſons as aforeſaid, be not delivered up as aforeſaid, within fourteen days after requiſition as aforeſaid, then, in ſuch caſe, the congreſs, or council of ſafety, or general committee, may and ſhall be at liberty to uſe every means, to apprehend any, and every ſuch perſon or perſons as laſt aforeſaid, and queſtion, try, and proceed againſt as aforeſaid, every ſuch perſon or perſons as aforeſaid.

IV. That if any perſon or perſons, who has or have ſigned, or ſhall ſign the aſſociation aforeſaid, ſhall, without authority of congreſs, moleſt any perſon or perſons of the part of the people aforeſaid, in ſuch caſe, application ſhall be made to the ſaid congreſs, or council of ſafety, or general committee, in order that ſuch perſon or perſons as laſt aforeſaid, be puniſhed for, and reſtrained from, moleſting as aforeſaid.

And it is hereby declared, that all and every perſon of the part of the people as aforeſaid, not offending in or againſt any of the premiſes aforeſaid, ſhall and may continue to dwell and remain at home as uſual, ſafe in their lives, perſons and properties, ſuch being nothing more than what has been, and is the aim, intention, and inclination

tion of the congreſs of this colony, and the authorities under that body. All perſons who ſhall not conſider themſelves as bound by this treaty, muſt abide.

Done at the camp, near Ninety-Six, this 16th day of September, 1775.

Signed,

William-Henry Drayton,
Thomas Fletchal,
John Ford,
Thomas Green,
Evan M'Laurin,
Benjamin Wofford.

Witneſs,

William Thomſon,
Ely Kerſhaw,
Francis Salvador.

NOTE XII. PAGE 82.

An abſtract of the principal clauſes of an act of parliament of Great-Britain, paſſed in December 1775, entitled, 'An act to prohibit all trade 'and intercourſe with the colonies of New-'Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, 'Connecticut, New-York, New-Jerſey, Pennſyl-'vania, the Three Lower Counties on Delaware, 'Maryland, Virginia, North-Carolina, South-'Carolina and Georgia, during the continuance 'of the preſent rebellion within the ſaid colonies 'reſpectively,' &c.

WHEREAS many perſons in the colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey,

ſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, have ſet themſelves in open rebellion and defiance to the juſt and legal authority of the King and parliament of Great-Britain, to which they ever have been, and of right ought to be, ſubjects; and have aſſembled together an armed force, engaged his majeſty's troops, and attacked his forts—have uſurped the power of government, and prohibited all trade and commerce with this kingdom and the other parts of his majeſty's dominions: for the more ſpeedily and effectually ſuppreſſing ſuch wicked and daring deſigns, and for preventing any aid, ſupply or aſſiſtance, being ſent thither during the continuance of the ſaid rebellious and treaſonable commotions, Be it therefore declared and enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, that all manner of trade and commerce, is and ſhall be prohibited with the colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia: and that all ſhips and veſſels of or belonging to the inhabitants of the ſaid colonies, together with their cargoes, apparel and furniture, and all other ſhips and veſſels whatſoever, together with their cargoes, apparel and

furniture, which ſhall be found trading in any port or place of the ſaid colonies, or going to trade, or coming from trading, in any ſuch port or place, ſhall become forfeited to his majeſty, as if the ſame were the ſhips and effects of open enemies, and ſhall be ſo adjudged, deemed, and taken in all courts of admiralty, and in all other courts whatſoever.

PROVIDED always, and it is hereby further enacted and declared by the authority aforeſaid, that nothing in this act ſhall extend, or be conſtrued to extend, to ſuch ſhips and veſſels as ſhall be actually retained or employed in his majeſty's ſervice, or to ſuch ſhips and veſſels as ſhall be laden with proviſions for the uſe of his majeſty's forces, armies or garriſons, or for the uſe of the inhabitants of any town or place garriſoned or poſſeſſed by any of his majeſty's troops, provided the maſter of ſuch ſhips and veſſels reſpectively ſhall produce a licenſe in writing, under the hand and ſeal of the lord high admiral of Great-Britain, for the time being, or of three or more commiſſioners for the time being, for executing the office of lord high admiral of Great-Britain, or the commanders of his majeſty's fleets or armies, or of the governor, lieutenant-governor, or commander in chief of any of his majeſty's colonies or provinces not herein before mentioned, ſpecifying the voyage in which ſuch ſhip or veſſel ſhall be employed, and expreſſing the time for which ſuch licenſe ſhall ſubſiſt and be in force; and

and alſo expreſſing the quantity and ſpecies of the ſaid ſtores and proviſions on board: and if any goods, wares or merchandize, other than ſtores and proviſions for his majeſty's uſe, or proviſions for the uſe of the inhabitants of any town or place garriſoned and poſſeſſed by his majeſty's troops, ſhall be found on board ſuch ſhips or veſſels, (the neceſſary ſtores for the ſhip's uſe, and the baggage of the paſſengers only excepted) in any or either of thoſe caſes, the goods, wares and merchandizes, ſhall be forfeited, and ſhall and may be ſeized and proſecuted in the manner herein after directed.

And, for the encouragement of the officers and ſeamen of his majeſty's ſhips of war, be it further enacted, that the flag-officers, captains, commanders, and other commiſſioned officers in his majeſty's pay; and alſo the ſeamen, mariners, and ſoldiers on board, ſhall have the ſole intereſt and property of, and in all and every ſuch ſhip, veſſel, goods and merchandize, which they ſhall ſeize or take, (being firſt adjudged lawful prizes in any of his majeſty's courts of admiralty) to be divided in ſuch proportions, and after ſuch manner, as his majeſty ſhall think fit to order and direct by proclamation or proclamations hereafter to be iſſued for thoſe purpoſes.

And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the ſaid flag-officers, captains and commanders

ers reſpectively, to cauſe to be taken, or put on board any of his majeſty's ſhips or veſſels of war, or on board any other ſhips or veſſels, all and every the maſters, crews and other perſons, who ſhall be found on board ſuch ſhip and ſhips as ſhall be ſeized and taken as prizes as aforeſaid, as alſo to enter the names of ſuch of the ſaid mariners and crews, upon the book or books of his majeſty's ſaid ſhips or veſſels, as they the ſaid flag-officers, captains and commanders, ſhall reſpectively think fit; from the time and times of which ſaid entries reſpectively, the ſaid mariners and crews ſhall be conſidered, and they are hereby declared to belong to, and to be as ſuch in the ſervice of his majeſty, to all intents and purpoſes, as if the ſaid mariners and crews had entered themſelves voluntarily to ſerve on board his majeſty's ſaid ſhips and veſſels reſpectively: and alſo that it ſhall and may be lawful to and for the ſaid flag-officers, captains and commanders reſpectively, to detain or cauſe to be detained and kept, the maſters and other perſons; and alſo ſuch other of the mariners and crews of the ſaid prize ſhips as ſhall not be entered upon the books of his majeſty's ſhips or veſſels of war as aforeſaid, in and on board any ſhip or ſhips, veſſel or veſſels whatſoever, until the arrival of ſuch laſt-mentioned ſhips or veſſels in ſome port of Great-Britain or Ireland, or in any port of America not in rebellion; and upon the arrival of thoſe ſhips or veſſels in any ſuch port, the commanders thereof are hereby reſpectively authorized

rized and required immediately to ſet the ſaid laſt-mentioned mariners and crews, and alſo the ſaid maſters and other perſons at liberty on ſhore there.

PROVIDED always, and it is hereby further enacted by the authority aforeſaid, that nothing herein contained ſhall extend, or be conſtrued to extend, to any ſhip or veſſel the property of any perſon or perſons reſiding in the ſaid colonies of New-Hampſhire, Maſſachuſetts-Bay, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, or any or either of them, which ſhall have ſailed for Great-Britain or Ireland from any Britiſh ſugar-colony or plantation in the Weſt-Indies, on or before the firſt day of March 1776, laden with any goods or commodities which before the paſſing of this act might be ſo lawfully tranſported and carried in ſuch ſhip or veſſel, nor to any ſhip or veſſel the property of any perſon or perſons reſiding in the ſaid colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, or any or either of them, which, on or before the firſt day of January 1776, ſhall have arrived at any of the Britiſh ſugar-colonies or plantations in the Weſt-Indies, laden with lumber and proviſions, or either of them; and after diſcharging

diſcharging the ſame at ſuch ſugar-colony or plantation ſhall, on or before the firſt day of Auguſt 1776, lade and take on board there, in order to be tranſported from thence into Great-Britain or Ireland, any goods or commodities which, may be lawfully tranſported from ſuch ſugar-colony or plantation into Great-Britain or Ireland reſpectively, in any other Britiſh veſſel, upon condition that the maſter or perſon having the charge of ſuch ſhip or veſſel which ſhall have ſo arrived on or before the ſaid firſt day of January 1776, and ſhall have been loaded on or before the ſaid firſt day of Auguſt 1776, ſhall produce a certificate under the hand and ſeal of office of the collector and comptroller, or other principal officer of his majeſty's cuſtoms for the port or place where ſuch goods ſhall be laden, certifying that ſuch ſhip or veſſel did arrive at ſuch ſugar-colony or plantation on or before the firſt day of January 1776, laden with lumber and proviſions, or either of them, as the caſe may be; and that after having diſcharged the ſame in ſuch ſugar-colony or plantation, ſhe had taken on board the ſeveral goods therein laden for Great-Britain or Ireland reſpectively, deſcribing the name and burden of the ſhip, with the name of the maſter and the contents of the cargo, with the particular marks and numbers of the packages of each ſort and ſpecies of goods ſo laden, the port or place where, and the time when laden, and the port in Great-Britain or Ireland to which the goods are conſigned; and

that

that bond and ſecurity hath been given for the due landing thereof according to law, which certificate ſuch collector and comptroller, or other principal officer of the cuſtoms, are hereby required and enjoined to give without fee or reward.

PROVIDED always, and be it further enacted by the authority aforeſaid, that nothing in this act ſhall extend, or be conſtrued to extend, to any ſhip or veſſel, or the cargo thereof, which ſhall have been or may be cleared out from any port in Great-Britain or Ireland, before the firſt day of January 1776, and ſhall be bound to any of the Britiſh ſugar-colonies in the Weſt-Indies, or which hath been, or may be ſo cleared out from the ſaid Britiſh ſugar-colonies, and ſhall be bound to Great-Britain or Ireland, in caſe it ſhall appear by the regiſter of ſuch ſhip or veſſel that two-thirds at leaſt of the owners of ſuch ſhip or veſſel are his majeſty's ſubjects, reſiding in Great-Britain or Ireland, or in ſome of the ſaid Britiſh ſugar-colonies, nor to any ſhip or veſſel, or the cargo thereof, which ſhall be cleared out from any port in Great-Britain or Ireland, after the twentieth day of January 1776, and ſhall be bound to any of the Britiſh ſugar-colonies, or which ſhall be cleared out after the twenty-fifth day of March 1776, from the ſaid Britiſh ſugar-colonies, and ſhall be bound to Great-Britain or Ireland in caſe it ſhall appear by the oath or affirmation of one or more of the owners of ſuch

ſhip

ſhip or veſſel, to be endorſed on the regiſter thereof, to be taken before the collector or other principal officer of the cuſtoms at the port or place where ſuch ſhip or veſſel ſhall be cleared out, (which oath or affirmation ſuch collector or other principal officer of the cuſtoms is hereby authorized and required to adminiſter) that two-thirds at leaſt of ſuch ſhip or veſſel are the property of his majeſty's ſubjects reſiding in Great-Britain or Ireland, or in ſome of the ſaid ſugar-colonies or plantations.

And whereas many and large debts are now due from the inhabitants of the North-American colonies herein before mentioned, to divers of his majeſty's good and loyal ſubjects reſiding in Great-Britain, Ireland, and the Britiſh plantations in the Weſt-Indies—and many of ſuch good and loyal ſubjects may have eſtates and effects in ſome of the ſaid North-American colonies: and whereas goods and merchandize have been or may be ſhipped or laden in the ſaid colonies for and on account of ſuch debts, eſtates or effects—and other goods and merchandize may be laden there and ſent from thence in conſequence of orders given for that purpoſe; Be it therefore enacted by the authority aforeſaid, that nothing in this act ſhall extend, or be conſtrued to extend, to any ſhip or veſſel which ſhall have cleared out and ſailed from any of the ſaid colonies for Great-Britain, Ireland, or any of the Britiſh plantations in the Weſt-Indies, on or before the firſt day of January

January 1776, nor ſhall extend, or be conſtrued to extend, to forfeit any goods or merchandize or effects, which ſhall be laden or ſhipped on board any ſhip or veſſel in any of the ſaid North-American colonies on or before the twenty-fifth day of March 1776, as a remittance to any of his majeſty's ſubjects reſiding in Great-Britain, Ireland, or the Britiſh colonies or plantations in the Weſt-Indies, for or on account of any ſuch eſtates, effects or debts, or in conſequence of any order given for that purpoſe before the twenty-firſt day of December 1775, provided that proof thereof ſhall be made on oath of the parties to whom ſuch goods, merchandize or effects, ſhall be conſigned, or otherwiſe to the ſatisfaction of the judge or court before whom any ſeizure of ſuch goods, merchandize or effects, ſhall be depending, any thing herein contained to the contrary notwithſtanding.

PROVIDED always, and it is hereby further enacted by the authority aforeſaid, that nothing herein contained ſhall extend, or be conſtrued to extend, to any ſhip or veſſel the property of any perſon or perſons reſiding in the ſaid colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, which, on or before the firſt day of January 1776, ſhall have failed from any port or place in Europe where

ſuch ſhip or veſſel might lawfully trade, or which, on or before the firſt day of January 1776, ſhall be actually laden in any ſuch port or place for Great-Britain or Ireland, with ſuch goods and merchandize as ſuch ſhip or veſſel might lawfully ſo tranſport; nor to any ſhip or veſſel as ſhall, on the ſaid firſt day of January 1776, remain in any port of Great-Britain or Ireland, any thing herein contained to the contrary thereof in anywiſe notwithſtanding.

PROVIDED alſo, and it is hereby further enacted by the authority aforeſaid, that nothing in this act contained ſhall extend, or be conſtrued to extend, to any ſhip or veſſel, being the property of any of the inhabitants of the iſland of Nantucket, employed in the whale fiſhery only, if it ſhall appear by the papers on board, that ſuch ſhip or veſſel was fitted and cleared from thence before the firſt day of December 1775, or if the maſter or other perſon having the charge of any ſuch ſhip or veſſel as aforeſaid, ſhall produce a certificate under the hand and ſeal of the governor or commander in chief of the province of the Maſſachuſetts-Bay, ſetting forth, that ſuch ſhip or veſſel (expreſſing her name and the name of her maſter, and deſcribing her built and burden) is the whole and entire property of his majeſty's ſubjects of the ſaid iſland of Nantucket, and was the property of one or more of them on or before the twenty-fifth day of March 1775.

AND

And whereas, before the paſſing this act, and ſince the commencement of the ſaid unnatural rebellion, divers perſons, veſſels, cargoes and other effects, may have been ſeized, detained, examined, ſearched, damaged or deſtroyed, for the publick ſervice, in withſtanding or ſuppreſſing the ſaid rebellion, Be it further enacted by the authority aforeſaid, that all ſuch acts ſhall be deemed juſt and legal to all intents, conſtructions and purpoſes whatſoever; and if any action or ſuit ſhall be commenced or proſecuted againſt any perſon or perſons for or by reaſon of any thing ſo done, or for or by reaſon of any thing done or acted in purſuance of this act, then, and in every ſuch caſe ſuch action or ſuit ſhall be commenced within ſix calendar months next after the fact committed, and not afterwards; and the defendant or defendants ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the act ſhall appear to have been done for the ſervice of the publick, or in purſuance of and by the authority of this act, or if any ſuch action or ſuit ſhall be brought after the time herein before limited for bringing the ſame, then the jury ſhall find for the defendant or defendants; and, upon ſuch finding, or if the plaintiff or plaintiffs ſhall be nonſuited, or diſcontinue his or their action after the defendant or defendants ſhall have appeared, or if any demurrer, judgment ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall and may recover treble coſts.

AND be it further enacted by the authority aforeſaid, that this act, as far as the ſame relates to the capture and forfeiture of ſhips and veſſels belonging to the inhabitants of the above-mentioned colonies, ſhall, except in the caſes herein before mentioned, commence and be in force from and after the firſt day of January 1776; and ſo far as the ſame relates to the capture and forfeiture of all other ſhips and veſſels that ſhall be found going to trade in or at any of the ſaid colonies, from and after the firſt day of February 1776; and ſo far as the ſame relates to the capture and forfeiture of all other ſhips and veſſels that ſhall be found trading in or at any of the ſaid colonies, or bound and trading from any port or place in the ſame, from and after the twenty-fifth day of March 1776, and ſhall continue to be in force ſo long as the ſaid colonies reſpectively ſhall remain in a ſtate of rebellion.

PROVIDED always nevertheleſs, and it is hereby enacted by the authority aforeſaid, that, in order to encourage all well-affected perſons in any of the ſaid colonies to exert themſelves in ſuppreſſing the rebellion therein, and to afford a ſpeedy protection to thoſe who are diſpoſed to return to their duty, it ſhall and may be lawful to and for any perſon or perſons appointed and authorized by his majeſty to grant a pardon or pardons to any number or deſcription of perſons, by proclamation, in his majeſty's name, to declare any colony or province to be at the peace

of

of his majeſty; and, from and after the iſſuing of any ſuch proclamation in any of the aforeſaid colonies or provinces, or if his majeſty ſhall be graciouſly pleaſed to ſignify the ſame by his royal proclamation, then, from and after the iſſuing of ſuch proclamation this act, with reſpect to ſuch colony or province, colonies or provinces, county, town, port, diſtrict or place, ſhall ceaſe, determine, and be utterly void; and if any capture ſhall be made after the date and iſſuing of ſuch proclamation of any ſhips or veſſels and their cargoes, belonging to the inhabitants of any ſuch colony or province, colonies or provinces reſpectively, the ſame ſhall be reſtored to the owners of ſuch ſhips or veſſels, upon claim being entered, and due proof made, of their property therein, and the captors ſhall not be liable to any action for ſeizing or detaining the ſaid ſhips or veſſels, or their cargoes, without proof being made that they had actual notice of ſuch proclamation having been iſſued.

PROVIDED always, that ſuch proclamation or proclamations ſhall not diſcharge or ſuſpend any proceedings upon any capture of any ſuch ſhip or veſſel made before the date and iſſuing thereof.

NOTE

NOTE XIII. PAGE 127.

South-Carolina, Charleſton diſtrict.

At a court of general ſeſſions of the peace, oyer and terminer, aſſize of general gaol delivery, begun to be holden in and for the diſtrict of Charleſton, at Charleſton in the colony aforeſaid, on Tueſday the 23d day of April, in the year of our Lord 1776,

The preſentments of the grand-jury for the ſaid diſtrict.

I. FULLY ſenſible and thoroughly convinced, that to live in a ſociety without laws or a proper execution of them, to reſtrain the licentious nature of mankind, is the greateſt miſery that can befal a people, and muſt render any body of men in ſuch a ſituation, but little ſuperior to a herd of brutes; and being no leſs ſenſible that it was the ſcheme of a corrupt nefarious adminiſtration in Great-Britain to reduce the good people of this colony to that wretched ſituation, from a want of officers to execute the laws, thoſe whom they had appointed having refuſed to act in their reſpective ſtations, that through the evil effects of anarchy and confuſion, the people might become an eaſy prey to the cruel deſigns of their inſidious enemies; while we lament the neceſſity which has obliged the people to reſume into their hands, thoſe powers of government which were originally derived from themſelves for the protection

tection of thoſe rights which GOD alone has given them, as eſſential to their happineſs; we cannot but expreſs our moſt unfeigned joy in the happy conſtitution of government now eſtabliſhed in this colony, which promiſes every bleſſing to its inhabitants which a people endued with virtue, and a juſt regard to the rights of mankind, could deſire. With gratitude to the Divine Ruler of human events, and with the moſt pleaſing expectation of happineſs from a conſtitution ſo wiſe in its nature, and virtuous in its ends, being founded on the ſtricteſt principles of juſtice and humanity, and conſiſtent with every privilege incident to the dignity of a rational being; we cannot but declare we think every oppoſition to its operations, or diſregard to its authority, the fouleſt criminality a mortal can be guilty of, highly offenſive to the eyes of GOD and of all juſt men, and deſerving the moſt exemplary puniſhment.

WE cannot but deplore the unhappy ſituation of any few amongſt all the people of this colony, who, through an ignorance of their true intereſts and juſt rights, and from a want of proper information of the real truth, may be miſled by the artifice and cunning of their falſe and deſigning enemies, from a real ſenſe of thoſe benefits which our preſent conſtitution has ſo amply provided for: benefits which are not confined or limited to any ranks or degrees of men in particular, but generally, equally and indiſcriminately extending to all, from the richeſt to the pooreſt, and which

time

time and a little patient experience muſt ſoon evince.

EVERY good citizen muſt be happy in the conſideration of the choice of thoſe officers, appointed in the adminiſtration of our preſent government; as well in the impartial mode of an appointment ariſing from the people themſelves, and the limited duration of their power, as in their perſonal characters as men, juſtly beloved and revered by their country, and whoſe merits and virtues entitle them to every pre-eminence.

FILLED with theſe ſentiments, ariſing from mature deliberation, and the moſt impartial enquiry, we muſt further declare, that bleſſings ſuch as theſe we have before enumerated, are too ineſtimable to be loſt; and that nothing in nature can repay the leaſt violation of them; and although an accommodation with the power which attempts to deſtroy them, may be highly worthy of attention, and upon principles truly honourable, of obtaining; yet we think it a ſacred duty incumbent on every citizen, to maintain and defend with his life and fortune, what is given and entruſted to him by the Hand of Providence, not for his own good only, but for the laſting happineſs of poſterity; a truſt, which no law can ever annul, which is the grand principle of exiſtence, and the ſource of every ſocial virtue.

II. WE preſent as a grievance intolerable to the

the ſpirit of the people, born and nurtured in the arms of freedom, and, though ever ſubmiſſive to the juſt mandates of legal authority, holding every oppreſſion as deteſtable; the unjuſt, cruel, and diabolical acts of the Britiſh parliament, not only declaring the good people of the United Colonies of North-America rebels, for defending thoſe invaluable rights, which no human power can lawfully diveſt them of, but making all murders, rapines, thefts, robberies, and other inhuman oppreſſions, done before the paſſing of thoſe acts, without authority, and which were after paſſing the ſaid acts to be done by the Britiſh forces in theſe colonies, legal and warrantable, to the eternal diſgrace and indelible infamy of a kingdom once renowned for her juſtice, honour and humanity, but now meanly deſcending to that wanton profligacy which even ſavages abhor.

Jonathan Scott, foreman,
George Cooke,
Thomas Jones,
John Lightwood,
Peter Leger,
Philip Mayer,
Iſaac Mazyck,
John Owen,
John Smyth,
Joſeph Jenkins,
Joſeph Cox,
Daniel Leſſeſne,
Lewis Dutarque,
John Singeltary.

NOTE

NOTE XIV. PAGE 142.

By major-general Clinton, commander of his majeſty's forces in the ſouthern provinces of North-America.

A PROCLAMATION.

WHEREAS the moſt unprovoked and wicked rebellion has for ſome time paſt prevailed, and doth now exiſt, within his majeſty's province of South-Carolina; and the inhabitants, forgetting their allegiance to their ſovereign, and denying the authority of the laws and ſtatutes of the realm, have, in a ſucceſſion of crimes, proceeded to the total ſubverſion of all lawful authority, uſurping the powers of government, and erecting a tyranny in the hands of congreſſes and committees of various denominations, utterly unknown and repugnant to the ſpirit of the Britiſh conſtitution; and divers people, in avowed defiance to all legal authority, are now actually in arms, waging unnatural war againſt their King: and whereas all attempts to reclaim the infatuated and miſguided multitude to a ſenſe of their error, have unhappily proved ineffectual: I have it in command to proceed forthwith againſt all ſuch men, or bodies of men in arms, and againſt all congreſſes and committees thus unlawfully eſtabliſhed, as againſt open enemies to the ſtate. But, conſidering it a duty inſeparable from the principle of humanity, firſt of all to forewarn the deluded

deluded people of the miſeries ever attendant upon civil war, I do moſt earneſtly entreat, and exhort them, as they tender their own happineſs, and that of their poſterity, to appeaſe the vengeance of an injured and juſtly incenſed nation, by a return to their duty to our common ſovereign, and to the bleſſings of a free government, as eſtabliſhed by law; hereby offering, in his majeſty's name, free pardon to all ſuch as ſhall lay down their arms, and ſubmit to the laws. And I do hereby require, that the provincial congreſs and all committees of ſafety, and other unlawful aſſociations, be diſſolved, and the judges allowed to hold their courts according to the laws and conſtitution of this province; of which all perſons are required to take notice, as they will anſwer the contrary at their utmoſt peril.

Given on board the Sovereign tranſport, the 6th day of June, 1776, and in the 16th year of his majeſty's reign.

H. CLINTON.

By command of general Clinton,
Richard Reave, ſecretary.

To the magiſtrates of the province of South-Carolina, to be by them made publick.

NOTE

NOTE XV. PAGE 145.

IN CONGRESS.

Philadelphia, July 20th, 1776.

RESOLVED, that the thanks of the United States of America be given to major-general Lee, colonel William Moultrie, colonel William Thompſon, and the officers and ſoldiers under their commands, who, on the 28th of June laſt, repulſed, with ſo much valour, the attack which was that day made on the ſtate of South-Carolina, by the fleet and army of his Britannic majeſty.

THAT mr. preſident tranſmit the foregoing reſolution to general Lee, colonel Moultrie and colonel Thompſon.

By order of the Congreſs,

JOHN HANCOCK, preſident.

NOTE XVI. PAGE 147.

A return of the number of privates, and of the names of the officers, in the ſecond regiment of South-Carolina, who were in the fort on Sullivan's iſland, and fought the Britiſh fleet on the 28th of June 1776.

ONE colonel, one lieutenant-colonel, one major, ten captains, ſeven firſt lieutenants, nine ſecond lieutenants, one adjutant, twenty-four

four ſergeants, fourteen drums and fifes, and three hundred and ſix privates.

NAMES of the OFFICERS.

William Moultrie, colonel,
Iſaac Motte, lieutenant-colonel,
Francis Marion, major.

CAPTAINS.

Peter Horry,
Nicholas Eveleigh,
James M'Donald,
Iſaac Harleſton,
Charles Motte,
Francis Huger,
Richard Aſhby,
Richard Shubrick,
William Oliphant,
John Blake.

LIEUTENANTS.

William Charnock,
Thomas Leſſeſne,
Thomas Moultrie,
Daniel Maryck,
Jacob Shubrick,
Thomas Dunbar,
William Moultrie, junior,

Thomas

Thomas Hall,
Henry Gray,
Iſaac Duboſe,
Richard-Bohun Baker,
Adrian Provauſe,
Richard Maſon,
Peter Gray,
Baſil Jackſon,
——— Marion,
Andrew Delient, adjutant.

NOTE XVII. PAGE 155.

Intercepted letters, relative to a plan of co-operation by the Britiſh Indians and tories againſt the friends of Congreſs in the weſtern parts of the ſouthern ſtates.

GENTLEMEN,

SOME time ago mr. Cameron and myſelf wrote you a letter by mr. Thomas, and encloſed you a talk we had with the Indians reſpecting the purchaſe which is reported you lately made of them, on the river Wattaga Neluchudkey, &c. we are ſince informed that you are under great apprehenſions of the Indians doing miſchief immediately; but it is not the deſire of his majeſty to ſet his friends and allies the Indians on his liege ſubjects, therefore whoever you are, that are willing to join his majeſty's forces, as ſoon as they arrive at the Cherokee nation, by repairing

to

to the King's ſtandard, ſhall find protection, and their families, and be free from all danger whatever; yet, that his majeſty's officers may be certain which of you are willing to take up arms in his majeſty's juſt right, I have thought fit to recommend it to you, and every one that is deſirous of preventing inevitable ruin to themſelves and families, immediately to ſubſcribe a written paper, acknowledging their allegiance to his majeſty King George, and that they are ready and willing, whenever called on, to appear in arms in defence of the Britiſh right in America; which paper, as ſoon as it is ſigned, and ſent to me by a ſafe hand, ſhould any of the inhabitants be deſirous of knowing how they are to be free from every kind of inſult or danger, inform them that his majeſty will immediately land an army in the Weſt-Flordia, march them through the Creek to the Chickaſaw nation, where five hundred warriors from each nation are to join them, and then come by Chote, who have promiſed their aſſiſtance, and then to take poſſeſſion of the frontiers of North-Carolina and Virginia, at the ſame time that his majeſty's forces make a diverſion on the ſea coaſt of thoſe provinces. If any of the inhabitants have any beef, cattle, flour, pork, or horſes to ſpare, they ſhall have a good price for them, for applying to us as ſoon as his majeſty's troops are embodied.

I am,

Your's, &c.

(Signed) HENRY STUART.

WATTAGA.

THIS day Nathan Read came before one of the juſtices of Wattaga, and made oath on the Holy Evangeliſts of Almighty GOD, that a ſtranger came up to Charles Robinſon's gate yeſterday evening, who he was he did not know, and delivered a letter, a true copy of which is above.

JOHN CARTER.

Sworn before me the 19th of May, 1776.

Atteſt, JAMES SMITH.

Extract of a letter to general Gage, from lord William Campbell, late governor of South-Carolina.

Tamar, in Rebellion-Road, September 20, 1775.

SIR,

I DID myſelf the honour to write to your excellency by the only two opportunities that offered ſince my arrival in this province, Captain Tollemache and Mr. Logie, and was in hopes his majeſty's ſervice to the northward would have permitted ſome little attention to have been paid to the ſouthern provinces. I have now only to acquaint your excellency, that this province has for ſome time been in a ſtate of open rebellion, and after undergoing many mortifications and inſults, I was at laſt obliged a few days ago to take refuge on board the Tamar, and leave the officers

officers of the crown diſarmed and confined to Charleſton; the bearer of this, mr. Kirkland, was a lieutenant of militia in the back parts of this country; I know him to be a man who has great influence there, and by his attachment to government he has, I fear, ſacrificed his all; he has acquainted me with the particulars of the plan he means to communicate to your excellency, and I am convinced, if the execution is not delayed too long, he may be made very uſeful in this and the neighbouring provinces, Georgia and North-Carolina. I have the honour to be, with great regard,

Sir,

Your excellency's moſt obedient,

and moſt humble ſervant,

W. CAMPBELL.

Extract of a letter to general Grant.

St. Auguſtine, October 4, 1775.

I HAVE the pleaſure of your's by the St. Lawrence; by ſending her you have done your old government eſſential ſervice; we wanted ſuch a veſſel very much: ſhe appeared off one day, and came over the bar the next with eaſe, and without a rub, and without unloading her guns or proviſions; our bar is better than ever I knew it. By our ſteady attachment to our mother-country, we are become an eye-ſore to our ſiſter-colonies, particularly to our fooliſh young ſiſter Georgia

and Carolina; they threatened, and have done every thing in their power to ſtarve us, which is not in their power to effect; their threats were of ſervice, and alarmed the people here at firſt, but I told them I was glad of it;—that it was a ſhame to truſt our exiſtence to others, and give them our money for what we could make as eaſily as they could, which they now found to be true; almoſt every planter has made his proviſions, many a great deal to ſpare: I have above eight hundred buſhels of corn to ſpare of the Belle Viſta crop, a fine crop of rice at the Muſquito, already reaped and in the barn-yard; a ſecond cutting of the ſame rice almoſt ripe.

I AM ſurpriſed to find you and the army in the ſtate you have been in; I flatter myſelf you will move to advantage ſoon. The ſouthern people are madder than the northern, though I believe not ſuch great rogues; they have got to the higheſt pitch of raving madneſs; you will have heard of one hundred and ten barrels of our powder taken out of Loftus, off our bar, by a veſſel fitted out of Carolina, with an order from the preſident of the committee of ſafety to proceed on that buſineſs. Our neighbours talk of viſiting us to take our ordnance ſtores, but this I look upon as mere vapour, and that they will not feel bold enough; if they do, we will do our beſt to dreſs them;—I hope the general will not take any more of the troops from us; I think he has already weakened us too much; conſider the fort and its contents;

conſider

conſider what our neighbours are willing to do; conſider alſo that this is the beſt, and only immediate communication between Great-Britain and our red * brothers. The beſt friends of Great-Britain are in the back parts of the Carolinas and Georgia; if the Indians were put in motion they would ſuffer, and not the rebels; but this will be delivered to you by one colonel Moſes Kirkland, who comes expreſs to general Gage; to him I refer you—what he tells you you may depend on; I think he may be made a powerful inſtrument in the hands of government, ſhould any thing be done this way, which I think ought immediately to be undertaken; he knows every inch of Carolina, every road and by-road, every creek and ſwamp, every perſon, and has a moſt extenſive influence; is reſolute, active and enterpriſing, and I think ought to receive the earlieſt encouragement: he has not had a liberal education, but poſſeſſes clear, ſtrong, and manly ſenſe; and I think he is entirely to be depended on. I have had Mulcaſter with me, he will ſend you ſome papers; ſome others ſhall be done on a larger ſcale; Kirkland can give you good intelligence:—Wallace, ‡ who acts with ſo much ſpirit and honour, can alſo furniſh you with rich materials on that head; I remember he was very buſy when there in ſounding and ſurveying. I lament,

* Red Brothers, a nickname for Indians.

‡ A captain of a man of war. He was ſeveral years ſtationed in Carolina, and had infinite marks of friendſhip and civility ſhewn him.

lament, as you may imagine, the preſent ſtate of affairs, and the ſituation of moſt of my friends, who have been worked powerfully on, and have, to my great ſorrow, taken a wrong turn. I need not ſay any thing further to you on the ſtate of things in theſe parts of the world, as Kirkland will be better than a very long letter. I hope ſoon to ſee order drawn out of confuſion, and reſtored, and that good men may eſcape; but that every rogue and vile fool, and that every wilful and violent oppoſer may meet with their full and juſt reward. My dear friend, adieu! I am, moſt affectionately and ſincerely your's,

JOHN MOULTRIE.*

Extract of a letter from captain Frederick George Mulcaſter, an engineer ſettled in Auguſtine, to general Grant.

St. Auguſtine, Sept. 29, 1775.

THERE arrived here about four days ago colonel Kirkland, one of the back-country ſettlers in South-Carolina; he refuſed to ſign the aſſociation, and was the occaſion of many others doing ſo; William-Henry Drayton did his utmoſt endeavours

* Mr. John Moultrie is a native of South-Carolina, and brother of colonel William Moultrie, who ſo gallantly defended the fort on Sullivan's iſland, and defeated the Engliſh ſquadron commanded by ſir Peter Parker. He was prevailed upon by governor Grant to quit Carolina, and ſettle in Eaſt-Florida, of which province he was by the intereſt of mr. Grant made lieutenant governor.

deavours to gain him over to their party, but in vain; they then offered a reward of two thouſand pounds ſterling to any one that would apprehend him; he eſcaped at laſt from a party who was in purſuit of him, by getting between them and Charleſton, and took that road, which they not in the leaſt ſuſpecting, he got ſafe, after a journey of two hundred miles, to lord William Campbell's houſe, and from thence, the next morning, on board the man of war; he ſays the back ſettlers are two to one in number more than the rebel-party; they got ſome powder, but when it came to be divided they had only two rounds a man; he ſails from hence in the tranſport to Virginia, in order to proceed to general Gage; he has an honeſt open countenance, good natural underſtanding, and may be a man of infinite uſe, when troops are ſent to Charleſton, (which ſurely will not be long;) even now a regiment to be ſent up Savannah river, their back ſettlers would meet them, and the two provinces of Georgia and Carolina would be thrown into terror; the committee here prevented ſalt and other articles, which they cannot be without, from being ſent to them; theſe circumſtances inflame the back-ſettlers, who only want ammunition to do themſelves juſtice. Kirkland has undoubtedly great weight with thoſe people. Since he came away his plantation has been ranſacked, five thouſand weight of indigo deſtroyed, and his ſixty negroes he knows not where; he has with him a ſon about twelve or thirteen years old, who eſcaped by being dreſſed

like

like a girl, for they uſed their utmoſt endeavours to get him, in hopes the ſeizing his child would bring him to terms; you will undoubtedly ſee him, and he will give you a true ſtate of the ſouthern provinces; the above particulars you may depend upon, and I write them that you may not be without intelligence in regard to a part of the world you have already ſerved in with ſo much ſucceſs. The Catawba Indians are with the rèbel-party; but they conſiſt of a few, and as theſe back-ſettlers are ſeated round their nation, they intend to ſeize their women and children the moment they hear they attempt violence. John Stuart got ſome powder from Tonyn, and ſent it by an interpreter and an Indian to the Creek nation, but they were met by ſome Georgians on the north ſide of Mazo, who had got information from one Lane of this province, who ſeized the ammunition, and carried it to Savannah; however, the interpreter and the Indian proceeded to the nation: John Stuart's deputy, Cameron, wrote him word ſome time ſince, if they did not get powder he could not anſwer for the Indians, as he believed they would certainly go down to Savannah to demand it; ſo it is not unlikely they may have ſome of their red * brethren upon their backs; ſome of the gentlemen of Georgia ſtill hold out, and have not ſigned the aſſociation; but governor Wright has no authority, nor has not had any for ſome time. Lord Dartmouth has directed the land-office to be opened

* Savage Indians.

opened for this province, in order to grant land to any perſons who chooſe to take refuge here, and to be free of quit-rents for ten years.

Copy of a letter from Mr. John Stuart to general Gage.

St. Auguſtine, October 3, 1775.

SIR,

LAST night I had the honour of receiving your excellency's letter of September 12, and I ſhall pay the ſtricteſt attention to your commands contained in it. Nothing in my power ſhall be neglected to forward the intereſt of government, and your excellency's views.

SINCE writing my laſt letter by colonel Kirkland, I have received by the way of Savannah a copy of a Talk from the Cherokees to mr. Cameron, which I now encloſe; it ſhews their diſpoſition, which I ſhall by all means cultivate, * for which purpoſe my brother is preparing to ſet off for the Creek, and afterwards for the Cherokee nation. It occurs to me, that it will no longer be good policy to foment the difference between the Choctaw and Creek Indians; for while they continue at war, it will be difficult, or even

* The Talk contained an aſſurance from the Cherokees, that they were ready to attend Cameron, and maſſacre all the back ſettlers of Carolina and Georgia, without diſtinction of age or ſex.

even impoſſible, to get the Creeks to act in his majeſty's ſervice, by which they muſt expoſe their women and children to the attacks of their enemies. I ſhall impatiently wait for your excellency's ideas upon this ſubject, which I humbly ſubmit; in the mean-time I ſhall ſend the neceſſary inſtructions throughout the diſtrict.

I SHALL immediately take ſteps to get ſome Indians here, which will be an acquiſition to this place in its preſent weak ſtate, and I have been for ſome time paſt uſing all poſſible means of ſupplying myſelf with neceſſaries for engaging the Indians firmly in his majeſty's intereſt. I am apprehenſive I ſhall find difficulty in getting a ſupply of proviſions. I have the honour of being, with the utmoſt reſpect,

Sir,

Your excellency's moſt obedient,
and moſt humble ſervant,
JOHN STUART.

St. Auguſtine, 3 October, 1775.

SIR,

COLONEL Kirkland will acquaint your excellency that a great majority of the frontiers and back inhabitants of Carolina are attached to, and inclined to ſupport government; in ſuch circumſtances, I conceive, that an indiſcriminate attack by Indians, would be contrary to your excellency's idea, and might do much harm—

but

but I ſhall diſpoſe them to join in executing any concerted plan, and to act with and aſſiſt their well-diſpoſed neighbour—The Attachaway Indians are now here, and I now look with impatience for anſwers to my deſpatches to the different nations, which I have reaſon to expect every hour. I have the honour of being, moſt reſpectfully,

Sir,

Your excellency's moſt obedient,
moſt humble ſervant,

JOHN STUART.

To general Gage.

THESE, and ſeveral other letters to the ſame effect, were found in poſſeſſion of Moſes Kirkland, who was taken priſoner by the Americans in his paſſage to Boſton, in the year 1775, whither he was going expreſs to general Gage, the commander in chief of the royal army.—For further particulars ſee Almon's Remembrancer for 1776, part 3d, pages 176—180.

NOTE

NOTE XVIII. PAGE 158.

Copy of talks delivered to his excellency the preſident of South-Carolina, in council, February 3, 1777, by the Bird and the Mankiller, warriors of the Cherokee nation.

THE BIRD.

I WAS ordered to come down here to this houſe. I am come down here, and I ſee you all here. I am come down the path—and I have ſwept it with a white cloth, and made it bright and clear—I come from the nation.

I AM now in my beloved brother's houſe. My nation ſent me as a meſſenger. My nation have ſeen their folly, and I hope my beloved men of Charleſton will take me by the hand. I am ſent down with a good talk, and I hope you and the people will hear it.

A STRING of white BEADS.

WE have got a town called Tomawtly, and ſeveral brother-towns—they have ſent this as a token, and hope now to reſt in their beds and ſleep.

A STRING of white BEADS.

THE beloved men of Noewee have ſent this, and hope to hear a good talk back. They have been

been walking through the Long Graſs, and want now to ſtay at home.

A STRING of white BEADS.

THE warriors of Cootels were gone out when I came away to go and hunt for meat.

A STRING of white BEADS.

THE town of Okoneylufty ſent this—they heard a good talk there from the beloved man who ſent a woman with it.

A ſmall STRING of white BEADS.

THE warrior of Cowee ſent this by me the warrior of Noewee. The people of Cowee, he ſaid, would come back and ſettle their houſes in the ſpring, but that they were out now hunting.

A STRING of white BEADS.

A BELOVED woman in the valley ſends you this. She ſays the Great Man above directs all things. Her eldeſt ſiſter had children above, and ſhe hopes they would have children raiſed up altogether. The Great Man above had ſent fire down and ſpoiled the path, and hoped they would make the path clear again.

A STRING of white BEADS.

I AM come down to talk with my brothers, and I hope to talk good with them. I am but a young man, but I will talk good, and I hope to have

have good talks to carry back. The Great Man above put us all down upon the earth, but I don't know what is the matter that we quarrel. My father has come down with me—is with me now, and hears me talk. My father is with my eldeſt brothers, and is telling you what to do. My Father above has told you my eldeſt brothers to take care of your youngeſt brothers, the red people. When the white people came over here firſt, the Great Man above ſet them here by the river-ſide very faſt. The red people were formerly very glad to ſee their eldeſt brothers, and their brothers were very glad to ſee them. There is a white cloth now in the path, and I hope we will all walk on it and dirty it no more. I hope we will all hold one another faſt by the hand.

A STRING of white BEADS.

I TALK good. I am ſent as a meſſenger, and I hope the children will grow up on both ſides. I am come down to talk that the children may be raiſed up—that the children may grow up as the woods grow in the woods. I hope my oldeſt brothers will take care of my youngeſt brothers. I am not a rogue, nor will I give a roguiſh talk, but ſtand to what talk I give. I am ſent as a meſſenger; they told me not to be tired, but come and give the talk they ſent by me. The beloved town of Choti ſent this. The prince of Choti ſays, when he hears a talk from his brothers, he will thank me for bringing this talk here.

I TOLD

I TOLD them to come and hear the talk, but they ſaid they had been and given a talk in Virginia, and they now ſend this. That by that talk they had made the path ſtraight and clear, and hoped they would have traders come in again.

A STRING of white BEADS.

THE MANKILLER.

MY eldeſt brothers and the warriors are now met here to hear what I am going to ſay. Formerly my great father and the warrior made the path ſtrong, but you have now broken it. The boys have thrown off their father, and I am now come into light, now I am come into this houſe. You have deſtroyed my houſes, but it is not my eldeſt brothers fault, but my father's over the great water.

A STRING of white BEADS.

I MET the warrior, beloved man, in the Long Graſs, and had good talks with him. I am not ſent as a meſſenger as the others are—I come of my own accord along with the warrior colonel Williamſon.

A STRING of white BEADS.

A BELOVED woman on little Choti ſent this. She ſays the young men are great rogues—her children are out in the woods, and ſhe does not like

like it—ſhe hopes you will make it up with them.

A String of white Beads.

My old friend mr. Williamſon has been a great trader—but I was told you were all naked—but I have been about town and find a great deal of goods. I gave a great deal of land over Savannah river to pay my debts. I owed him, but I underſtand my father over the great water would not let him keep it. The warriors in the lower towns have taken away his goods, but they cannot take away his land that is his, given him by the whole nation.

A String of white Beads.

NOTE XIX. Page 158.

Articles of the definitive treaty of peace, concluded on, and ſigned at Dewit's Corner, the 20th day of May, 1777, between the ſtates of South-Carolina and Georgia and the Cherokee Indians.

Article I. THE Cherokee nations acknowledge, that the troops, during laſt ſummer, repeatedly defeated their forces, victoriouſly penetrated through their lower towns, middle ſettlements and vallies, and quietly and unoppoſed built, held, and continue to occupy, the fort at Seneca, thereby did effect and maintain the conqueſt of all the Cherokee lands, eaſtward

ward of the Unacaye mountain; and, to and for their people, did acquire, poſſeſs, and yet continue to hold, in and over the ſaid lands, all and ſingular the rights incidental to conqueſt; and the Cherokee nation, in conſequence thereof, do cede the ſaid lands to the ſaid people, the people of South-Carolina.

ARTICLE II. South-Carolina will immediately ſend a ſupply of goods into the Cherokee nation and ſettlements for ſale, and permit the Cherokees, during their good behaviour, to inhabit the middle ſettlements and vallies weſtward of the higheſt part of the Occonnee mountain; but they ſhall not, beyond a line extended ſouth-weſt and north-eaſt acroſs the higheſt part of the Occonnee mountain, proceed or advance, without permiſſion from the commanding officer at fort Rutledge; to apply for which, one runner may at any time be ſent by the Cherokees: provided nevertheleſs, that, during this preſent year, the Cherokees may raiſe, gather and remove, the corn they have planted on the eaſt ſide of the Occonnee mountain.

ARTICLE III. The government of South-Carolina will endeavour that the Cherokees be furniſhed with ſupplies of goods as uſual; and that the trade ſhall be put under the beſt regulations. Every perſon, who, without a proper paſs or licenſe, ſhall arrive in the Cherokee nation or ſettlements, the Cherokees ſhall immediately apprehend,

hend, and deliver to the commanding officer at fort Rutledge, and ſeize to their own uſe all the cattle, horſes, goods and effects, conducted into their ſettlements by every ſuch perſon.

ARTICLE IV. Every white perſon who inſtigated, or endeavoured to inſtigate, the Cherokees to the late war, or encouraged or aided them, or endeavoured to do ſo in the proſecution of it, and who now is, or hereafter may be, in their power, ſhall, without delay, by the Cherokees, be apprehended and delivered to the commanding officer at fort Rutledge; and the Cherokees ſhall take to their own uſe all the effects, which in their nation or ſettlements they may find in the poſſeſſion of, or belonging to, every ſuch white perſon, and for every ſuch white perſon ſo delivered, ſhall be paid five hundred pounds weight of dreſſed leather, or the value thereof.

ARTICLE V. Any Indian who, in the Cherokee nation or ſettlements, ſhall murder a white perſon, ſhall be immediately apprehended and conveyed to fort Rutledge by the Cherokees, who, in preſence of the commanding officer at that poſt, ſhall put the murderer to death; and if any white or other perſon belonging to South-Carolina or Georgia, ſhall, in the Cherokee nation, or any white or other perſon ſhall, in South-Carolina or Georgia, murder a Cherokee Indian, every ſuch perſon, duly convicted thereof, ſhall

ſhall ſuffer death in preſence of the Cherokee Indians, if any ſhall attend at the time and place of execution; and that they may have an opportunity of attending, due notice of the time and place of ſuch intended execution ſhall be ſent to the Cherokees.

ARTICLE VI. All white and Indian perſons ſhall be ſet at liberty as ſoon as poſſible; all negroes taken during the late war, and who now are, or hereafter may be, in the power of the Cherokees, ſhall, as ſoon as poſſible, be delivered to the commanding officer at fort Rutledge, together with the horſes, by any of their people, before the late war, ſtolen from South-Carolina, Georgia, North-Carolina, or Virginia, and which now are, or hereafter may be, in the power of the Cherokees, to the end that reſtitution may be made to their true owners.

ARTICLE VII. For every runaway negro that ſhall be apprehended and delivered by the Cherokees to the commanding officer at fort Rutledge, ſhall be paid one hundred pounds weight of leather, or the value thereof.

ARTICLE VIII. The hatchet ſhall be forever buried, and there ſhall be an univerſal peace and friendſhip re-eſtabliſhed between South-Carolina, including the Catawba and Georgia on the one part, and the Cherokee nation on the other; there ſhall be a general oblivion of injuries; the

contracting-parties ſhall uſe their utmoſt endeavours to maintain the peace and friendſhip now re-eſtabliſhed, and the Cherokees ſhall, at all times, apprehend and deliver to the commanding officer at fort Rutledge, every perſon, white or red, who, in their nation or ſettlements, ſhall by any means endeavour to inſtigate a war by the Cherokee nation, or hoſtility, or robbery, by any of their people, againſt or upon any of the American ſtates, or ſubjects thereof.

In witneſs of all and every thing herein determined between South-Carolina, Georgia and the Cherokee nation, we, their underwritten commiſſioners and deputies, by virtue of our full powers, ſeverally, and not one for the other, have ſigned this preſent definitive treaty, in their reſpective names, and have cauſed our ſeals to be hereunto affixed.

Done at Dewit's Corner, this twentieth day of May, in the year of our Lord one thouſand ſeven hundred and ſeventy-ſeven.

NOTE

NOTE XX. PAGE 163.

The ſecond petition of the Congreſs of the United Colonies of North-America to the King of Great-Britain, agreed to in Congreſs on the 8th of July 1775.

Moſt gracious ſovereign,

WE, your majeſty's ſubjects of the colonies of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, the counties of New-Caſtle, Kent and Suſſex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, in behalf of ourſelves and the inhabitants of theſe colonies, who have deputed us to repreſent them in general Congreſs, entreat your majeſty's gracious attention to this our humble petition.

THE union between our mother-country and theſe colonies, and the energy of mild and juſt government, produced benefits ſo remarkably important, and afforded ſuch an aſſurance of their permanency and increaſe, that the wonder and envy of other nations were excited, while they beheld Great-Britain riſing to a power the moſt extraordinary the world had ever known.

HER rivals, obſerving that there was no probability of this happy connection being broken by

by civil diſſenſions, and apprehending its future effects, if left any longer undiſturbed, reſolved to prevent her receiving ſuch continual and formidable acceſſions of wealth and ſtrength, by checking the growth of thoſe ſettlements from which they were to be derived.

In the proſecution of this attempt, events ſo unfavourable to the deſign took place, that every friend to the intereſt of Great-Britain and theſe colonies, entertained pleaſing and reaſonable expectations of ſeeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the crown, and the removal of ancient and warlike enemies to a greater diſtance.

At the concluſion, therefore, of the late war, the moſt glorious and advantageous that ever had been carried on by Britiſh arms, your loyal coloniſts having contributed to its ſucceſs, by ſuch repeated and ſtrenuous exertions, as frequently procured them the diſtinguiſhed approbation of your majeſty, of the late King, and of parliament, doubted not but that they ſhould be permitted, with the reſt of the empire, to ſhare in the bleſſings of peace, and the emoluments of victory and conqueſt.

While theſe recent and honourable acknowledgments of their merits remained on record in the

the journals and acts of that auguſt legiſlature, the parliament, undefaced by the imputation, or even the ſuſpicion of any offence, they were alarmed by a new ſyſtem of ſtatutes and regulations adopted for the adminiſtration of the colonies, that filled their minds with the moſt painful fears and jealouſies; and, to their inexpreſſible aſtoniſhment, perceived the danger of a foreign quarrel quickly ſucceeded by domeſtick danger, in their judgment of a more dreadful kind.

Nor were theſe anxieties alleviated by any tendency in this ſyſtem to promote the welfare of their mother-country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and proſperity of Great-Britain.

We ſhall decline the ungrateful taſk of deſcribing the irkſome variety of artifices, practiſed by many of your majeſty's miniſters, the deluſive pretences, fruitleſs terrors, and unavailing ſeverities that have, from time to time, been dealt out by them, in their attempts to execute this impolitick plan, or of tracing, through a ſeries of years paſt, the progreſs of the unhappy differences between Great-Britain and theſe colonies, that have flowed from this fatal ſource.

Your majeſty's miniſters, perſevering in their meaſures, and proceeding to open hoſtilities for enforcing

enforcing them, have compelled us to arm in our own defence, and have engaged us in a controverſy ſo peculiarly abhorrent to the affections of your ſtill faithful coloniſts, that when we conſider whom we muſt oppoſe in this conteſt, and, if it continues, what may be the conſequences, our own particular misfortunes are accounted by us only as parts of our diſtreſs.

KNOWING to what violent reſentments, and incurable animoſities, civil diſcords are apt to exaſperate and inflame the contending parties, we think ourſelves required by indiſpenſable obligations to Almighty GOD, to your majeſty, to our fellow-ſubjects, and to ourſelves, immediately to uſe all the means in our power, not incompatible with our ſafety, for ſtopping the further effuſion of blood, and for averting the impending calamities that threaten the Britiſh empire.

THUS called upon to addreſs your majeſty on affairs of ſuch moment to America, and probably to all your dominions, we are earneſtly deſirous of performing this office with the utmoſt deference for your majeſty; and we therefore pray, that your majeſty's royal magnanimity and benevolence may make the moſt favourable conſtructions of our expreſſions on ſo uncommon an occaſion. Could we repreſent in their full force, the ſentiments that agitate the minds of us your dutiful ſubjects, we are perſuaded your majeſty

majeſty would aſcribe any ſeeming deviation from reverence in our language, and even in our conduct, not to any reprehenſible intention, but to the impoſſibility of reconciling the uſual appearances of reſpect with a juſt attention to our own preſervation againſt thoſe artful and cruel enemies, who abuſe your royal confidence and authority, for the purpoſe of effecting our deſtruction.

ATTACHED to your majeſty's perſon, family and government, with all devotion that principle and affection can inſpire, connected with Great-Britain by the ſtrongeſt ties that can unite ſocieties, and deploring every event that tends in any degree to weaken them, we ſolemnly aſſure your majeſty, that we not only moſt ardently deſire the former harmony between her and theſe colonies may be reſtored; but that a concord may be eſtabliſhed between them, upon ſo firm a baſis as to perpetuate its bleſſings, uninterrupted by any future diſſenſions to ſucceeding generations in both countries, and to tranſmit your majeſty's name to poſterity, adorned with that ſignal and laſting glory, that has attended the memory of thoſe illuſtrious perſonages, whoſe virtues and abilities have extricated ſtates from dangerous convulſions, and, by ſecuring happineſs to others, have erected the moſt noble and durable monuments to their own fame.

WE beg leave further to aſſure your majeſty, that

that notwithſtanding the ſufferings of your loyal coloniſts, during the courſe of this preſent controverſy, our breaſts retain too tender a regard for the kingdom from which we derive our origin, to requeſt ſuch a reconciliation as might in any manner be inconſiſtent with her dignity or her welfare. Theſe, related as we are to her, honour and duty, as well as inclination, induce us to ſupport and advance; and the apprehenſions that now oppreſs our hearts with unſpeakable grief, being once removed, your majeſty will find your faithful ſubjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to aſſert and maintain the rights and intereſts of your majeſty, and of our mother-country.

We therefore beſeech your majeſty, that your royal authority and influence may be graciouſly interpoſed to procure us relief from our afflicting fears and jealouſies, occaſioned by the ſyſtem before mentioned, and to ſettle peace through every part of your dominions, with all humility ſubmitting to your majeſty's wiſe conſideration, whether it may not be expedient for facilitating thoſe important purpoſes, that your majeſty be pleaſed to direct ſome mode, by which the united applications of your faithful coloniſts to the throne, in purſuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean-time, meaſures may be taken for preventing the further

deſtruction

deſtruction of the lives of your majeſty's ſubjects; and that ſuch ſtatutes as more immediately diſtreſs any of your majeſty's colonies may be repealed.

For, by ſuch arrangements as your majeſty's wiſdom can form for collecting the united ſenſe of your American people, we are convinced your majeſty would receive ſuch ſatisfactory proofs of the diſpoſition of the coloniſts towards their ſovereign and parent-ſtate, that the wiſhed-for opportunity would ſoon be reſtored to them, of evincing the ſincerity of their profeſſions, by every teſtimony of devotion becoming the moſt dutiful ſubjects and the moſt affectionate coloniſts.

That your majeſty may enjoy a long and proſperous reign, and that your deſcendants may govern your dominions with honour to themſelves and happineſs to their ſubjects, is our ſincere prayer.

NOTE

NOTE XXI. PAGE 163.

The ſecond addreſs of the Congreſs of the United Colonies of North-America to the people of Great-Britain, agreed to in Congreſs the 8th day of July 1775.

Friends, countrymen and brethren,

BY theſe, and by every other appellation that may deſignate the ties which bind us to each other, we entreat your ſerious attention to this our ſecond attempt to prevent their diſſolution. Remembrance of former friendſhips, pride in the glorious atchievements of our common anceſtors, and affections for the heirs of their virtues, have hitherto preſerved our mutual connection; but when that friendſhip is violated by the groſſeſt injuries; when the pride of anceſtry becomes our reproach, and we are no otherwiſe allied than as tyrants and ſlaves; when reduced to the melancholy alternative of renouncing your favour or our freedom; can we heſitate about the choice? Let the ſpirit of Britons determine.

IN a former addreſs we aſſerted our rights, and ſtated the injuries we had then received. We hoped that the mention of our wrongs would have rouſed that honeſt indignation which has ſlept too long for your honour, or the welfare of the empire. But we have not been permitted to

entertain

entertain this pleaſing expectation. Every day brought an accumulation of injuries, and the invention of the miniſtry has been conſtantly exerciſed, in adding to the calamities of your American brethren.

After the moſt valuable right of legiſlation was infringed; when the powers aſſumed by your parliament, in which we are not repreſented, and from our local and other circumſtances cannot properly be repreſented, rendered our property precarious; after being denied that mode of trial, to which we have long been indebted for the ſafety of our perſons, and the preſervation of our liberties; after being in many inſtances diveſted of thoſe laws, which were tranſmitted to us by our common anceſtors, and ſubjected to an arbitrary code, compiled under the auſpices of Roman tyrants; after thoſe charters, which encouraged our predeceſſors to brave death and danger in every ſhape, on unknown ſeas, in deſerts unexplored, amidſt barbarous and inhoſpitable nations, were annulled; when without the form of trial, without a publick accuſation, whole colonies were condemned, their trade deſtroyed, their inhabitants empoveriſhed; when ſoldiers were encouraged to imbrue their hands in the blood of Americans, by offers of impunity; when new modes of trial were inſtituted for the ruin of the accuſed, where the charge carried with it the horrors of conviction; when a deſpotick government was eſtabliſhed in a neighbouring

bouring province, and its limits extended to every of our frontiers; we little imagined that any thing could be added to this black catalogue of unprovoked injuries: but we have unhappily been deceived, and the late meaſures of the Britiſh miniſtry fully convince us, that their object is the reduction of theſe colonies to ſlavery and ruin.

To confirm this aſſertion, let us recall your attention to the affairs of America, ſince our laſt addreſs. Let us combat the calumnies of our enemies; and let us warn you of the dangers that threaten you in our deſtruction. Many of your fellow-ſubjects, whoſe ſituation deprived them of other ſupport, drew their maintenance from the ſea; but the deprivation of our liberty being inſufficient to ſatisfy the reſentment of our enemies, the horrors of famine were ſuperadded, and a Britiſh parliament, who, in better times, were the protectors of innocence and the patrons of humanity, have, without diſtinction of age or ſex, robbed thouſands of the food which they were accuſtomed to draw from that inexhauſtible ſource, placed in their neighbourhood by the benevolent Creator.

Another act of your legiſlature ſhuts our ports, and prohibits our trade with any, but thoſe ſtates from whom the great law of ſelf-preſervation renders it abſolutely neceſſary we ſhould at preſent withhold our commerce. But this act, whatever

whatever may have been its deſign, we conſider rather as injurious to your opulence than our intereſt. All our commerce terminates with you; and the wealth we procure from other nations, is ſoon exchanged for your ſuperfluities. Our remittances muſt then ceaſe with our trade; and our refinements with our affluence. We truſt, however, that laws which deprive us of every bleſſing but a ſoil that teems with the neceſſaries of life, and that liberty which renders the enjoyment of them ſecure, will not relax our vigour in their defence.

We might here obſerve on the cruelty and inconſiſtency of thoſe, who, while they publickly brand us with reproachful and unworthy epithets, endeavour to deprive us of the means of defence, by their interpoſition with foreign powers, and to deliver us to the lawleſs ravages of a mercileſs ſoldiery. But happily we are not without reſources; and though the timid and humiliating applications of a Britiſh miniſtry ſhould prevail with foreign nations, yet induſtry, prompted by neceſſity, will not leave us without the neceſſary ſupplies.

We could wiſh to go no further, and, not to wound the ear of humanity, leave untold thoſe rigorous acts of oppreſſion, which are daily exerciſed in the town of Boſton, did we not hope, that by diſclaiming their deeds and puniſhing the perpetrators, you would ſhortly vindicate the honour

honour of the Britiſh name, and re-eſtabliſh the violated laws of juſtice.

THAT once populous, flouriſhing, and commercial town, is now garriſoned by an army ſent, not to protect, but to enſlave its inhabitants. The civil government is overturned, and a military deſpotiſm erected upon its ruins. Without law, without right, powers are aſſumed unknown to the conſtitution. Private property is unjuſtly invaded. The inhabitants, daily ſubjected to the licentiouſneſs of the ſoldiery, are forbid to remove, in defiance of their natural rights, in violation of the moſt ſolemn compacts. Or if, after long and weariſome ſolicitation, a paſs is procured, their effects are detained, and even thoſe who are moſt favoured, have no alternative but poverty or ſlavery. The diſtreſs of many thouſand people, wantonly deprived of the neceſſaries of life, is a ſubject, on which we would not wiſh to enlarge.

YET we cannot but obſerve, that a Britiſh fleet, unjuſtified even by acts of your legiſlature, are daily employed in ruining our commerce, ſeizing our ſhips, and depriving whole communities of their daily-bread. Nor will a regard for your honour permit us to be ſilent, while Britiſh troops ſully your glory, by actions, which the moſt inveterate enmity will not palliate among civilized nations, the wanton and unneceſſary deſtruction of Charleſton, a large, ancient,

cient, and once populous town, juſt before deſerted by its inhabitants, who had fled to avoid the fury of your ſoldiery.

If you ſtill retain thoſe ſentiments of compaſſion, by which Britons have ever been diſtinguiſhed; if the humanity, which tempered the valour of our common anceſtors, has not degenerated into cruelty, you will lament the miſeries of their deſcendants.

To what are we to attribute this treatment? If to any ſecret principle of the conſtitution, let it be mentioned; let us learn, that the government we have long revered, is not without its defects, and that while it gives freedom to a part, it neceſſarily enſlaves the remainder of the empire. If ſuch a principle exiſts, why, for ages, has it ceaſed to operate? Why, at this time, is it called into action? Can no reaſon be aſſigned for this conduct? Or muſt it be reſolved into the wanton exerciſe of arbitrary power? And ſhall the deſcendants of Britons tamely ſubmit to this? No, ſirs! we never will, while we revere the memory of our gallant and virtuous anceſtors, we never can ſurrender thoſe glorious privileges, for which they fought, bled and conquered. Admit that your fleets could deſtroy our towns, and ravage our ſea-coaſts; theſe are inconſiderable objects; things of no moment to men, whoſe boſoms glow with the ardour of liberty. We can retire beyond the reach of your navy, and, without

without any ſenſible diminution of the neceſſaries of life, enjoy a luxury, which from that period you will want; the luxury of being free.

We know the force of your arms, and was it called forth in the cauſe of juſtice and your country, we might dread the exertion; but will Britons fight under the banners of tyranny? Will they counteract the labours, and diſgrace the victories of their anceſtors? Will they forge chains for their poſterity? If they deſcend to this unworthy taſk, will their ſwords retain their edge, their arms their accuſtomed vigour! Britons can never become the inſtruments of oppreſſion, till they loſe the ſpirit of freedom, by which, alone, they are invincible.

Our enemies charge us with ſedition. In what does it conſiſt? In our refuſal to ſubmit to unwarrantable acts of injuſtice and cruelty? If ſo, ſhew us a period in your hiſtory, in which you have not been equally ſeditious.

We are accuſed of aiming at independence; but how is this accuſation ſupported? By the allegations of your miniſters, not by our actions. Abuſed, inſulted, and contemned, what ſteps have we purſued to obtain redreſs? We have carried our dutiful petitions to the throne. We have applied to your juſtice for relief. We have retrenched our luxury, and withheld our trade.

THE advantages of our commerce were deſigned as a compenſation for your protection: when you ceaſed to protect, for what were we to compenſate?

WHAT has been the ſucceſs of our endeavours? The clemency of our ſovereign is unhappily diverted; our petitions are treated with indignity; our prayers anſwered by inſults. Our application to you remains unnoticed, and leaves us the melancholy apprehenſion of your wanting either the will, or the power, to aſſiſt us.

EVEN under theſe circumſtances, what meaſures have we taken that betray a deſire of independence? Have we called in the aid of thoſe foreign powers, who are the rivals of your grandeur? When your troops were few, and defenceleſs, did we take advantage of their diſtreſs and expel them our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional ſtrength?

LET not your enemies and ours perſuade you, that in this we were influenced by fear or any other unworthy motive. The lives of Britons are ſtill dear to us. They are the children of our parents, and an uninterrupted intercourſe of mutual benefits had knit the bonds of friendſhip. When hoſtilities were commenced, when on a late occaſion we were wantonly attacked by your troops, though we repelled their aſſaults and re-

turned their blows, yet we lamented the wounds they obliged us to give; nor have we yet learned to rejoice at a victory over Engliſhmen.

As we wiſh not to colour our actions, or diſguiſe our thoughts, we ſhall, in the ſimple language of truth, avow the meaſures we have purſued, the motives upon which we have acted, and our future deſigns.

When our late petition to the throne produced no other effect than freſh injuries, and votes of your legiſlature calculated to juſtify every ſeverity; when your fleets and your armies were prepared to wreſt from us our property, to rob us of our liberties or our lives; when the hoſtile attempts of general Gage evinced his deſigns, we levied armies for our ſecurity and defence. When the powers veſted in the governor of Canada, gave us reaſon to apprehend danger from that quarter, and we had frequent intimations, that a cruel and ſavage enemy was to be let looſe upon the defenceleſs inhabitants of our frontiers, we took ſuch meaſures as prudence dictated, as neceſſity will juſtify. We poſſeſſed ourſelves of Crown-Point and Ticonderoga. Yet, give us leave moſt ſolemnly to aſſure you, that we have not yet loſt ſight of the object we have ever had in view, a reconciliation with you on conſtitutional principles, and a reſtoration of that friendly intercourſe, which, to the advantage of both, we, till lately, maintained.

THE inhabitants of this country apply themſelves chiefly to agriculture and commerce. As their faſhions and manners are ſimilar to yours, your markets muſt afford them the conveniencies and luxuries, for which they exchange the produce of their labours. The wealth of this extended continent centres with you; and our trade is ſo regulated as to be ſubſervient only to your intereſt. You are too reaſonable to expect, that by taxes, in addition to this, we ſhould contribute to your expence; to believe, after diverting the fountain, that the ſtreams can flow with unabated force.

IT has been ſaid, that we refuſe to ſubmit to the reſtrictions on our commerce. From whence is this inference drawn? Not from our words, we having repeatedly declared the contrary; and we again profeſs our ſubmiſſion to the ſeveral acts of trade and navigation paſſed before the year 1763, truſting, nevertheleſs, in the equity and juſtice of parliament, that ſuch of them as, upon cool and impartial conſideration ſhall appear to have impoſed unneceſſary or grievous reſtrictions, will, at ſome happier period, be repealed or altered. And we cheerfully conſent to the operation of ſuch acts of the Britiſh parliament as ſhall be reſtrained to the regulation of our external commerce, for the purpoſe of ſecuring the commercial advantages of the whole empire to the mother-country, and the commercial benefits of its reſpective members; excluding every idea of taxation,

taxation, internal or external, for raiſing a revenue on the ſubjects in America without their conſent.

It is alleged, that we contribute nothing to the common defence. To this we anſwer, that the advantages which Great-Britain receives from the monopoly of our trade, far exceed our proportion of the expence neceſſary for that purpoſe. But ſhould theſe advantages be inadequate thereto, let the reſtrictions on our trade be removed, and we will cheerfully contribute ſuch proportion when conſtitutionally required.

It is a fundamental principle of the Britiſh conſtitution, that every man ſhould have at leaſt a repreſentative ſhare in the formation of thoſe laws by which he is bound. Were it otherwiſe, the regulation of our internal police by a Britiſh parliament, who are and ever will be unacquainted with our local circumſtances, muſt be always inconvenient, and frequently oppreſſive, working our wrong, without yielding any poſſible advantage to you.

A plan of accommodation, as it has been abſurdly called, has been propoſed by your miniſters to our reſpective aſſemblies. Were this propoſal free from every other objection, but that which ariſes from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breaſt? Can they treat with freedom,

dom, while their towns are ſacked; when daily inſtances of injuſtice and oppreſſion diſturb the ſlower operations of reaſon?

If this propoſal is really ſuch as you would offer and we accept, why was it delayed till the nation was put to uſeleſs expence, and we were reduced to our preſent melancholy ſituation? If it holds forth nothing, why was it propoſed? Unleſs, indeed, to deceive you into a belief, that we were unwilling to liſten to any terms of accommodation? But what is ſubmitted to our conſideration? We contend for the diſpoſal of our property. We are told that our demand is unreaſonable, that our aſſemblies may indeed collect our money, but that they muſt, at the ſame time, offer, not what your exigencies or ours may require, but ſo much as ſhall be deemed ſufficient to ſatisfy the deſires of a miniſter, and enable him to provide for favourites and dependants. A recurrence to your own treaſury will convince you how little of the money, already extorted from us, has been applied to the relief of your burdens. To ſuppoſe that we would thus graſp the ſhadow, and give up the ſubſtance, is adding inſult to injuries.

We have, nevertheleſs, again preſented an humble and dutiful petition to our ſovereign; and, to remove every imputation of obſtinacy, have requeſted his majeſty to direct ſome mode, by which the united applications of his faithful coloniſts

coloniſts may be improved into a happy and permanent reconciliation. We are willing to treat on ſuch terms as can alone render an accommodation laſting, and we flatter ourſelves that our pacifick endeavours will be attended with a removal of miniſterial troops, and a repeal of thoſe laws of the operation of which we complain, on the one part, and a diſbanding of our army, and a diſſolution of our commercial aſſociations, on the other.

YET conclude not from this that we propoſe to ſurrender our property into the hands of your miniſtry, or veſt your parliament with a power which may terminate in our deſtruction. The great bulwarks of our conſtitution we have deſired to maintain by every temperate, by every peaceable means; but your miniſters, equal foes to Britiſh and American freedom, have added to their former oppreſſions an attempt to reduce us by the ſword to a baſe and abject ſubmiſſion. On the ſword, therefore, we are compelled to rely for protection. Should victory declare in your favour, yet men trained to arms from their infancy, and animated by the love of liberty, will afford neither a cheap or eaſy conqueſt. Of this, at leaſt, we are aſſured, that our ſtruggle will be glorious, our ſucceſs certain; ſince even in death, we ſhall find that freedom which in life you forbid us to enjoy.

LET us now aſk, what advantages are to attend our

our reduction? The trade of a ruined and deſolate country is always inconſiderable, its revenue trifling; the expence of ſubjecting and retaining it in ſubjection certain and inevitable. What then remains but the gratification of an ill-judged pride, or the hope of rendering us ſubſervient to deſigns on your liberty.

SOLDIERS who have ſheathed their ſwords in the bowels of their American brethren, will not draw them with more reluctance againſt you. When too late, you may lament the loſs of that freedom, which we exhort you, while ſtill in your power, to preſerve.

ON the other hand, ſhould you prove unſucceſsful; ſhould that connection, which we moſt ardently wiſh to maintain, be diſſolved; ſhould your miniſters exhauſt your treaſures, and waſte the blood of your countrymen, in vain attempts on our liberty; do they not deliver you, weak and defenceleſs, to your natural enemies?

SINCE then your liberty muſt be the price of your victories; your ruin, of your defeat:—what blind fatality can urge you to a purſuit deſtructive of all that Britons hold dear?

IF you have no regard to the connection that has for ages ſubſiſted between us; if you have forgot the wounds we have received, fighting by your ſide for the extenſion of the empire; if our commerce

commerce is not an object below your consideration; if justice and humanity have lost their influence on your hearts; still motives are not wanting to excite your indignation at the measures now pursued: your wealth, your honour, your liberty are at stake.

WE NOTWITHSTANDING the distress to which we are reduced, we sometimes forget our own afflictions, to anticipate and sympathize in yours. We grieve that rash and inconsiderate councils should precipitate the destruction of an empire, which has been the envy and admiration of ages, and call GOD to witness! that we would part with our property, endanger our lives, and sacrifice every thing but liberty, to redeem you from ruin.

A CLOUD hangs over your heads and ours; ere this reaches you, it may probably burst upon us; let us then, before the remembrance of former kindness is obliterated, once more repeat those appellations which are ever grateful in our ears; let us entreat Heaven to avert our ruin, and the destruction that threatens our friends, brethren, and countrymen, on the other side of the Atlantick.

NOTE

NOTE XXII. PAGE 165.

AMERICAN UNITED COLONIES.

In Congreſs, May 15, 1776.

WHEREAS his Britannick majeſty, in conjunction with the lords and commons of Great-Britain, has, by a late act of parliament, excluded the inhabitants of theſe United Colonies from the protection of his crown: and whereas no anſwer whatever, to the humble petition of the colonies for redreſs of grievances and reconciliation with Great-Britain, has been, or is likely to be given; but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the deſtruction of the good people of theſe colonies: and whereas it appears abſolutely irreconcileable to reaſon and good conſcience, for the people of theſe colonies to take the oaths and affirmations neceſſary for the ſupport of any government under the crown of Great-Britain; and it is neceſſary that the exerciſe of every kind of authority under the ſaid crown ſhould be totally ſuppreſſed, and all the powers of government exerted under the authority of the people of theſe colonies for the preſervation of internal peace, virtue and good order, as well as for the defence of ourſelves, liberties and properties, againſt the hoſtile invaſions and cruel depredations of our enemies:

THEREFORE reſolved, that it be recommended to the reſpective aſſemblies and conventions of the United Colonies, where no government ſufficient to the exigencies of their affairs has been hitherto eſtabliſhed, to adopt ſuch government as ſhall, in the opinion of the repreſentatives of the people, beſt conduce to the happineſs and ſafety of their conſtituents in particular, and America in general.

By order of the Congreſs,

JOHN HANCOCK, preſident.

NOTE XXIII. PAGE 178.

TREATY OF ALLIANCE.

THE moſt chriſtian King, and the United States of North-America, to wit, New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their ſubjects and citizens, have thought it neceſſary to take into conſideration the means of ſtrengthening thoſe engagements, and of rendering them uſeful to the ſafety and tranquility of the two parties; particularly in caſe Great-Britain, in reſentment of that connection, and of the good correſpondence

ence which is the object of the ſaid treaty, ſhould break the peace with France, either by direct hoſtilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace ſubſiſting between the two crowns: and his majeſty and the ſaid United States having reſolved in that caſe, to join their councils and efforts againſt the enterprizes of their common enemy:

THE reſpective plenipotentiaries empowered to concert the clauſes and conditions proper to fulfil the ſaid intentions, have, after the moſt mature deliberation, concluded and determined on the following articles:

ARTICLE I. If war ſhould break out between France and Great-Britain, during the continuance of the preſent war between the United States and England, his majeſty and the ſaid United States ſhall make it a common cauſe, and aid each other mutually with their good offices, their counſels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II. The eſſential and direct end of the preſent defenſive alliance is, to maintain effectually the liberty, ſovereignty, and independence abſolute and unlimited, of the ſaid United States, as well in matters of government as of commerce.

ARTICLE III. The two contracting parties ſhall, each on its own part, and in the manner it may judge moſt proper, make all the efforts in its power againſt their common enemy, in order to attain the end propoſed.

ARTICLE IV. The contracting parties agree, that in caſe either of them ſhould form any particular enterprize in which the concurrence of the other may be deſired, the party whoſe concurrence is deſired, ſhall readily, and with good faith, join to act in concert for that purpoſe, as far as circumſtances and its own particular ſituation will permit, and in that caſe, they ſhall regulate by a particular convention, the quantity and kind of ſuccour to be furniſhed, and the time and manner of its being brought into action, as well as the advantages which are to be its compenſation.

ARTICLE V. If the United ſtates ſhould think fit to attempt the reduction of the Britiſh power, remaining in the northern parts of America, or the iſlands of Bermudas, thoſe countries or iſlands, in caſe of ſucceſs, ſhall be confederated with, or dependant upon, the ſaid United States.

ARTICLE VI. The moſt chriſtian King renounces for-ever the poſſeſſion of the iſlands of Bermudas, as well as of any part of the continent of North-America, which before the treaty of Paris, in 1763, or in virtue of that treaty, were

were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called Britiſh colonies, or which are at this time, or have lately been under the power of the King and crown of Great-Britain.

Article VII. If his moſt chriſtian majeſty ſhall think proper to attack any of the iſlands ſituated in the gulf of Mexico, or near that gulf, which are at preſent under the power of Great-Britain, all the ſaid iſles, in caſe of ſucceſs, ſhall appertain to the crown of France.

Article VIII. Neither of the two parties ſhall conclude either truce or peace with Great-Britain, without the formal conſent of the other firſt obtained; and they mutually engage not to lay down their arms, until the independence of the United States ſhall have been formally or tacitly aſſured, by the treaty or treaties that ſhall terminate the war.

Article IX. The contracting parties declare, that being reſolved to fulfil each on its own part, the clauſes and conditions of the preſent treaty of alliance, according to its own power and circumſtances, there ſhall be no after-claim of compenſation, on one ſide or the other, whatever may be the event of the war.

Article X. The moſt chriſtian King and the United States agree to invite or admit other

powers

powers who may have received injuries from England, to make common cauſe with them, and to accede to the preſent alliance, under ſuch conditions as ſhall be freely agreed to, and ſettled between all the parties.

ARTICLE XI. The two parties guarantee mutually from the preſent time and for-ever, againſt all other powers, to wit, the United States to his moſt chriſtian majeſty the preſent poſſeſſions of the crown of France in America, as well as thoſe which it may acquire by the future treaty of peace; and his moſt chriſtian majeſty guarantees on his part to the United States, their liberty, ſovereignty and independence, abſolute and unlimited, as well in matters of government as commerce, and alſo their poſſeſſions, and the additions or conqueſts, that their confederation may obtain during the war, from any of the dominions now, or heretofore poſſeſſed by Great-Britain in North-America; conformable to the fifth and ſixth articles above-written, the whole as their poſſeſſion ſhall be fixed and aſſured to the ſaid ſtates, at the moment of the ceſſation of their preſent war with England.

ARTICLE XII. In order to fix more preciſely the ſenſe and application of the preceding article, the contracting parties declare, that in caſe of a rupture between France and England, the reciprocal guarantee declared in the ſaid article, ſhall have its full force and effect, the moment ſuch

ſuch war ſhall break out; and if ſuch rupture ſhall not take place, the mutual obligations of the ſaid guarantee ſhall not commence until the moment of the ceſſation of the preſent war, between the United States and England, ſhall have aſcertained their poſſeſſions.

ARTICLE XIII. The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner, if poſſible.

In faith whereof, the reſpective plenipotentiaries, to wit, on the part of the moſt chriſtian King, CONRAD-ALEXANDER GERARD, royal ſyndick of the city of Straſbourg, and ſecretary of his majeſty's council of ſtate; and on the part of the United States, BENJAMIN FRANKLIN, deputy to the general Congreſs from the ſtate of Pennſylvania, and preſident of the convention of ſaid ſtate; SILAS DEANE, heretofore deputy from the ſtate of Connecticut; and ARTHUR LEE, counſellor at law, have ſigned the above articles both in the French and Engliſh languages; declaring, nevertheleſs, that the preſent treaty was originally compoſed and concluded in the French language, and they have hereunto affixed their ſeals.

Done

Done at Paris, this ſixth day of February, one thouſand ſeven hundred and ſeventy-eight.

(L. S.) C. A. Gerard,
(L. S.) B. Franklin,
(L. S.) Silas Deane,
(L. S.) Arthur Lee.

NOTE XXIV. Page 178.

On the 6th of June the Congreſs received a letter of the 27th of May from lord Howe, and one of the 3d of June from general Clinton, accompanied with three acts of parliament: they were as follows:

Philadelphia, May 27, 1778.

Sir,

HAVING, by a packet juſt arrived from Great-Britain, received the King's commands to tranſmit to the Congreſs, and the commander in chief of their troops, the copies of two acts, paſſed this ſeſſion of parliament, for quieting the diſorders now ſubſiſting in theſe colonies, and preparing the way for the return of peace, I embrace the earlieſt opportunity to forward the encloſed copies of thoſe acts, and of one other act relating to the government of the province of Maſſachuſetts-Bay, for the information of the Congreſs thereon; moſt ſincerely hoping this communication will be productive of

of the desired good effects. I am, with due consideration,

Sir,

Your most obedient servant,

HOWE.

Henry Laurens, esq. president
of the Congress.

Head-Quarters, Philadelphia, June 3, 1778.

SIR,

I AM directed to transmit to Congress, and the commander in chief of their troops, printed copies of three conciliatory acts of parliament: let me add my most sincere wishes, that they may produce the desirable effect which is hoped from them. I have the honour to be,

Sir,

Your most obedient, and
most humble servant,

H. CLINTON.

Henry Laurens, esq. president
of the Congress.

An act for repealing an act, passed in the fourteenth year of his present majesty's reign, entitled, An act for the better regulating the government of the province of the Massachusetts-Bay, in New-England.

WHEREAS the province of the Massachusetts-Bay had for many years been governed under a

charter, granted by their late majeſties King William and Queen Mary: and whereas an act, paſſed in the fourteenth year of his preſent majeſty's reign, entitled, 'An act for the better regulating the government of the province of the 'Maſſachuſetts-Bay, in New-England,' has been found to create great uneaſineſſes in the minds of the inhabitants of the ſaid province, and has occaſioned jealouſies and apprehenſions of danger to their liberties and rights in ſeveral other of the colonies and plantations in North-America: for quieting and extinguiſhing ſuch uneaſineſſes and apprehenſions, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that, from and after the paſſing of this act, the ſaid act, of the fourteenth year of the reign of his preſent majeſty, be, and the ſame is hereby repealed.

An act for removing all doubts and apprehenſions concerning taxation by the parliament of Great-Britain in any of the colonies, provinces, and plantations in North-America, and the Weſt-Indies; and for repealing ſo much of an act, made in the ſeventh year of the reign of his preſent majeſty, as impoſes a duty on tea imported from Great-Britain into any colony or plantation in America, or relates thereto.

WHEREAS taxation by the parliament of Great-Britain, for the purpoſe of raiſing a revenue

venue in his majeſty's colonies, provinces, and plantations in North-America, has been found, by experience, to occaſion great uneaſineſſes and diſorders among his majeſty's faithful ſubjects, who may, nevertheleſs, be diſpoſed to acknowledge the juſtice of contributing to the common defence of the empire, provided ſuch contribution ſhould be raiſed under the authority of the general court, or general aſſembly, of each reſpective colony, province or plantation: and whereas, in order as well to remove the ſaid uneaſineſſes, and to quiet the minds of his majeſty's ſubjects, who may be diſpoſed to return to their allegiance, as to reſtore the peace and welfare of all his majeſty's dominions, it is expedient to declare that the King and parliament of Great-Britain will not impoſe any duty, tax or aſſeſſment, for the purpoſe of raiſing a revenue in any of the colonies, provinces or plantations: may it pleaſe your majeſty, that it may be declared and enacted; and it is hereby declared and enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that, from and after the paſſing of this act, the King and parliament of Great-Britain will not impoſe any duty, tax, or aſſeſſment whatever, payable in any of his majeſty's colonies, provinces and plantations, in North-America, or the Weſt-Indies; except only ſuch duties as it may be expedient to impoſe for the regulation

tion of commerce; the net produce of ſuch duties to be always paid and applied to and for the uſe of the colony, province or plantation, in which the ſame ſhall be reſpectively levied, in ſuch manner as other duties collected by the authority of the reſpective general courts or general aſſemblies of ſuch colonies, provinces or plantations, are ordinarily paid and applied.

And be it further enacted by the authority aforeſaid, that, from and after the paſſing of this act, ſo much of an act made in the ſeventh year of his preſent majeſty's reign, entitled, 'An act for granting certain duties in the Britiſh colonies and plantations in America; for allowing a drawback of the duties of cuſtoms upon the exportation from this kingdom of coffee and cocoanuts of the produce of the ſaid colonies or plantations; for diſcontinuing the drawbacks payable on china earthenware exported to America; and for more effectually preventing the clandeſtine running of goods in the ſaid colonies and plantations;' as impoſes a duty on tea imported from Great-Britain into any colony or plantation in America, or has relation to the ſaid duty, be, and the ſame is hereby repealed.

An

An act to enable his majeſty to appoint commiſſioners with ſufficient powers to treat, conſult, and agree upon the means of quieting the diſorders now ſubſiſting in certain of the colonies, plantations, and provinces of North-America.

For the quieting and extinguiſhing of divers jealouſies and miſapprehenſions of danger to their liberties and legal rights, which have miſled many of his majeſty's ſubjects in the colonies, provinces, and plantations of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia; and for a full manifeſtation of the juſt and gracious purpoſes of his majeſty, and his parliament, to maintain and ſecure all his ſubjects in a clear and perfect enjoyment of ſuch liberties and rights; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that it ſhall and may be lawful for his majeſty, from time to time, by letters patent under the great ſeal of Great-Britain, to authorize and empower five able and ſufficient perſons, or any three of them, to treat, conſult, and agree with ſuch body or bodies political and corporate, or with ſuch aſſembly or aſſemblies of men, or with any perſon or perſons whatſoever,

whatſoever, of and concerning any grievances, or complaints of grievances, exiſting, or ſuppoſed to exiſt, in the government of any of the ſaid colonies, provinces, or plantations reſpectively, or in the laws and ſtatutes of this realm reſpecting the ſame; and of or concerning any aid or contribution to be furniſhed by all or any of the ſaid colonies, provinces, or plantations reſpectively, for the common defence of this realm, and the dominions thereunto belonging; and of and concerning any other regulations, proviſions, matters and things, neceſſary or convenient for the honour of his majeſty, and his parliament, and for the common good of all his ſubjects.

PROVIDED alſo, and be it further enacted and declared, that no regulation, proviſion, matter or thing, ſo propoſed, treated, conſulted or agreed, ſhall have any other force or effect, or be carried further into execution, than is herein after mentioned and provided, until the ſame ſhall have been confirmed by parliament.

PROVIDED alſo, and be it further enacted by the authority aforeſaid, that in order to facilitate the good purpoſes of this act, his majeſty may lawfully enable the ſaid commiſſioners, or any three of them, from time to time, to order and proclaim a ceſſation of hoſtilities, on the part of his majeſty's forces, by ſea or land, for any time, and under any conditions or reſtrictions; and ſuch

ſuch order and proclamation to revoke and annul in the ſame manner and form.

And be it further enacted, that it ſhall and may be lawful for his majeſty, by ſuch letters patent as aforeſaid, to authorize and empower the ſaid commiſſioners, or any three of them, by proclamation, under their reſpective hands and ſeals, from time to time, to ſuſpend the operation and effect of a certain act of parliament, made and paſſed in the ſixteenth year of the reign of his preſent majeſty, for prohibiting all trade and intercourſe with certain colonies and plantations therein named, and for the other purpoſes therein alſo mentioned, or any of the proviſions or reſtrictions therein contained; ſpecifying in ſuch proclamation at what times and places reſpectively, and with what exceptions and reſtrictions, and under what paſſes and clearances, in lieu of thoſe heretofore directed by any act or acts of parliament for regulating the trade of the colonies or plantations, the ſaid ſuſpenſion ſhall take effect; and the ſaid ſuſpenſion and proclamation, in the ſame manner and form, to annul and revoke.

And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful for his majeſty, by ſuch letters patent as aforeſaid, to authorize and empower the ſaid commiſſioners, or any three of them, to ſuſpend in places, and for any times during the continuance of this act, the

the operation and effect of any act or acts of parliament which have paſſed ſince the tenth day of February, one thouſand ſeven hundred and ſixty-three, and which relate to any of his majeſty's ſaid colonies, provinces or plantations, in North-America, ſo far as the ſame does relate to them; or the operation and effect of any clauſe, or any proviſion or matter therein contained, ſo far as ſuch clauſes, proviſions or matters, relate to any of the ſaid colonies, provinces or plantations.

And it is hereby enacted by the authority aforeſaid, that it ſhall and may be lawful for his majeſty, by ſuch letters patent as aforeſaid, to authorize and empower the ſaid commiſſioners, or any three of them, and they are hereby authorized and empowered, to grant a pardon or pardons to any number or deſcription of perſons within the ſaid colonies, provinces or plantations.

And that no let or hindrance may happen from the vacancy of the office of governor and commander in chief in any of the ſaid colonies, provinces or plantations, reſpectively, or from the abſence of ſuch officer from his government, be it further enacted by the authority aforeſaid, that it ſhall and may be lawful for his majeſty, by ſuch letters patent as aforeſaid, to authorize and empower the ſaid commiſſioners, or any three of them, in any of the ſaid colonies, provinces or plantations, reſpectively, wherein his majeſty

majeſty hath uſually heretofore nominated and appointed a governor, to nominate and appoint, from time to time, by an inſtrument under their hands and ſeals, a proper perſon to be the governor and commander in chief, in and for any ſuch colony, province or plantation: to have, hold, and exerciſe the ſaid office of governor and commander in chief in and for ſuch colony or plantation reſpectively, with all ſuch powers and authorities as any governor of ſuch province heretofore appointed by his majeſty might or could have exerciſed, in as full and ample manner and form as if ſuch governor and commander in chief had been nominated and appointed by his majeſty's letters patent or commiſſion; and for that purpoſe, if need be, to revoke, annul and make void, any commiſſion or letters patent heretofore granted for appointing any ſuch governor and commander in chief.

AND be it further enacted, that this act ſhall continue to be in force until the firſt day of June, one thouſand ſeven hundred and ſeventy-nine.

To which the following anſwers were returned:

York-Town, June 6, 1778.

MY LORD,

I HAVE had the honour of laying your lordſhip's letter of the 27th of May, with the acts of the Britiſh parliament encloſed, before Congreſs;

and I am inſtructed to acquaint your lordſhip, that they have already expreſſed their ſentiments upon bills, not eſſentially different from thoſe acts, in a publication of the 22d of April laſt.

YOUR lordſhip may be aſſured, that when the King of Great-Britain ſhall be ſeriouſly diſpoſed to put an end to the unprovoked and cruel war waged againſt theſe United States, Congreſs will readily attend to ſuch terms of peace as may conſiſt with the honour of independent nations, the intereſt of their conſtituents, and the ſacred regard they mean to pay to treaties. I am, my lord, with all due conſideration,

Your lordſhip's
moſt obedient ſervant,
HENRY LAURENS,
preſident of Congreſs.

Lord Howe.

York-Town, June 6, 1778.

SIR,

I HAVE had the honour of laying your letter of the 3d inſtant, with the acts of the Britiſh parliament which came encloſed, before Congreſs; and I am inſtructed to acquaint you, ſir, that they have already expreſſed their ſentiments upon bills, not eſſentially different from theſe acts, in a publication of the 22d of April laſt.

BE aſſured, ſir, when the King of Great-Britain ſhall be ſeriouſly diſpoſed to put an end to the

the unprovoked and cruel war waged againſt theſe United States, Congreſs will readily attend to ſuch terms of peace as may conſiſt with the honour of independent nations, the intereſt of their conſtituents, and the ſacred regard they mean to pay to treaties. I have the honour to be,

Sir,

Your moſt obedient, and
moſt humble ſervant,
HENRY LAURENS,
preſident of Congreſs.

His excellency ſir Henry Clinton, K. B.
Philadelphia.

ON the 13th of June a letter of the 9th was received from lord Carliſle, William Eden and George Johnſtone, eſquires, with copies of the three acts above-mentioned, and of a commiſſion from the King of Great-Britain to the earl of Carliſle, lord viſcount Howe, ſir William Howe, or in his abſence ſir Henry Clinton, William Eden and George Johnſtone; the letter was as follows:

GENTLEMEN,

WITH an earneſt deſire to ſtop the further effuſion of blood and the calamities of war, we communicate to you, with the leaſt poſſible delay after our arrival in this city, a copy of the commiſſion with which his majeſty is pleaſed to honour us, as alſo the acts of parliament on which

it

it is founded. And, at the ſame time that we aſſure you of our moſt earneſt deſire to re-eſtabliſh, on the baſis of equal freedom and mutual ſafety, the tranquility of this once happy empire, you will obſerve that we are veſted with powers equal to the purpoſe, and ſuch as are even unprecedented in the annals of our hiſtory.

In the preſent ſtate of our affairs, though fraught with ſubjects of mutual regret, all parties may draw ſome degree of conſolation, and even auſpicious hope, from the recollection that cordial reconciliation and affection have, in our own and other empires, ſucceeded to contentions and temporary diviſions, not leſs violent than thoſe we now experience.

We wiſh not to recall ſubjects which are now no longer in controverſy, and will reſerve to a proper time of diſcuſſion, both the hopes of mutual benefit, and the conſideration of evils, that may naturally contribute to determine your reſolutions, as well as our own, on this important occaſion.

The acts of parliament which we tranſmit to you having paſſed with ſingular unanimity, will ſufficiently evince the diſpoſition of Great-Britain, and ſhew that the terms of agreement in contemplation with his majeſty and with parliament are ſuch as come up to every wiſh that North-America, either in the hour of temperate deliberation

deliberation or of the utmoſt apprehenſion of danger to liberty, has expreſſed.

More effectually to demonſtrate our good intentions, we think proper to declare, even in this our firſt communication, that we are diſpoſed to concur in every ſatisfactory and juſt arrangement towards the following among other purpoſes:

To conſent to a ceſſation of hoſtilities, both by ſea and land.

To reſtore free intercourſe, to revive mutual affection, and renew the common benefits of naturalization, through the ſeveral parts of this empire.

To extend every freedom to trade that our reſpective intereſts can require.

To agree that no military forces ſhall be kept up in the different ſtates of North-America, without the conſent of the general Congreſs or particular aſſemblies.

To concur in meaſures calculated to diſcharge the debts of America, and to raiſe the credit and value of the paper circulation.

To perpetuate our union by a reciprocal deputation of an agent or agents from the different ſtates, who ſhall have the privilege of a ſeat and voice

voice in the parliament of Great-Britain; or, if ſent from Britain, in that caſe to have a ſeat and voice in the aſſemblies of the different ſtates to which they may be deputed reſpectively, in order to attend the ſeveral intereſts of thoſe by whom they are deputed.

In ſhort, to eſtabliſh the power of the reſpective legiſlatures in each particular ſtate, to ſettle its revenue, its civil and military eſtabliſhment, and to exerciſe a perfect freedom of legiſlation and internal government, ſo that the Britiſh ſtates throughout North-America, acting with us in peace and war under one common ſovereign, may have the irrevocable enjoyment of every privilege, that is ſhort of a total ſeparation of intereſts, or conſiſtent with that union of force, on which the ſafety of our common religion and liberty depends.

In our anxiety for preſerving thoſe ſacred and eſſential intereſts, we cannot help taking notice of the inſidious interpoſition of a power, which has, from the firſt ſettlement of theſe colonies, been actuated with enmity to us both. And notwithſtanding the pretended date or preſent form of the French offers to North-America, yet it is notorious that theſe were made in conſequence of the plans of accommodation previouſly concerted in Great-Britain, and with a view to prevent our reconciliation, and to prolong this deſtructive war.

BUT we truſt that the inhabitants of North-America, connected with us by the neareſt ties of conſanguinity, ſpeaking the ſame language, intereſted in the preſervation of ſimilar inſtitutions, remembering the former happy intercourſe of good offices, and forgetting recent animoſities, will ſhrink from the thought of becoming an acceſſion of force to our late mutual enemy, and will prefer a firm, a free and perpetual coalition with the parent-ſtate, to an inſincere and unnatural foreign alliance.

THIS deſpatch will be delivered to you by doctor Ferguſon, the ſecretary to his majeſty's commiſſion. And for further explanation and diſcuſſion of every ſubject of difference, we deſire to meet with you, either collectively or by deputation, at New-York, Philadelphia, York-Town, or ſuch other place as you may propoſe. We think it right, however, to apprize you, that his majeſty's inſtructions, as well as our own deſire to remove from the immediate ſeat of war, in the active operations of which we cannot take any part, may induce us ſpeedily to remove to New-York: but the commander in chief of his majeſty's land-forces, who is joined with us in this commiſſion, will, if it ſhould become eligible, either concur with us in a ſuſpenſion of hoſtilities, or will furniſh all neceſſary paſſports and ſafe conduct to facilitate our meeting, and we ſhall of courſe expect the ſame of you.

IF,

If, after the time that may be neceſſary to conſider this communication and tranſmit your anſwer, the horrors and devaſtations of war ſhould continue, we call God and the world to witneſs, that the evils which muſt follow, are not to be imputed to Great-Britain: and we cannot, without the moſt real ſorrow, anticipate the proſpect of calamities, which we feel the moſt ardent deſire to prevent. We are, with perfect reſpect,

Gentlemen,

Your moſt obedient,
and moſt humble ſervants,

Carlisle,
Wm. Eden,
Geo. Johnstone.

Philadelphia, 9th
June, 1778.

To his excellency Henry Laurens, the preſident, and other the members of Congreſs.

Gentlemen,

The deſpatch encloſed with this was carried this morning to the neareſt poſt of general Waſhington's army by doctor Ferguſon, ſecretary to his majeſty's commiſſion for reſtoring peace, &c. but he not finding a paſſport, has returned to this place. In order to avoid every unneceſſary delay, we now again ſend it by the ordinary conveyance of your military poſts. As ſoon as the

the paſſport arrives, doctor Ferguſon ſhall wait upon you according to our firſt arrangement. We are, with perfect reſpect,

Gentlemen,

Your moſt obedient,
and moſt humble ſervants,

CARLISLE,
WM. EDEN,
GEO. JOHNSTONE.

Philadelphia, June 9, 1778.

To this letter the following anſwer was unanimouſly given upon the 17th of June:

To their excellencies the right honourable the earl of Carliſle, William Eden, eſquire, George Johnſtone, eſquire, commiſſioners from his Britannick majeſty, Philadelphia.

I HAVE received the letter from your excellencies of the 9th inſtant, with the encloſures, and laid them before Congreſs. Nothing but an earneſt deſire to ſpare the farther effuſion of human blood could have induced them to read a paper, containing expreſſions ſo diſreſpectful to his moſt chriſtian majeſty, the good and great ally of theſe ſtates; or to conſider propoſitions ſo derogatory to the honour of an independent nation.

THE acts of the Britiſh parliament, the commiſſion from your ſovereign, and your letter, ſuppoſe the people of theſe ſtates to be ſubjects of the crown of Great-Britain, and are founded on the idea of dependence, which is utterly inadmiſſible.

I AM further directed to inform your excellencies, that Congreſs are inclined to peace, notwithſtanding the unjuſt claims from which this war originated, and the ſavage manner in which it hath been conducted. They will, therefore, be ready to enter upon the conſideration of a treaty of peace and commerce, not inconſiſtent with treaties already ſubſiſting, when the King of Great-Britain ſhall demonſtrate a ſincere diſpoſition for that purpoſe. The only ſolid proof of this diſpoſition will be, an explicit acknowledgment of the independence of theſe ſtates, or the withdrawing his fleets and armies.

I have the honour to be,
Your excellencies moſt obedient,
and humble ſervant,
Signed, by order of the unanimous voice of Congreſs,
HENRY LAURENS, preſident.

York-Town, June 17, 1778.

NOTE

NOTE XXV. PAGE 179.

ON the 21ſt day of April, 1778, the Congreſs, then ſitting at York-Town, received a letter from general Waſhington, encloſing a printed paper from Philadelphia, purporting to be draughts of three bills ſimilar to the three acts which are ſtated in Note XXIV, commonly called The conciliatory acts, which was referred to a committee. On the day following, viz. the 22d of April, the committee reported as follows:

THE committee to whom was referred the general's letter of the 18th, containing a certain printed paper ſent from Philadelphia, purporting to be the draught of a bill for declaring the intentions of the parliament of Great-Britain, as to the exerciſe of what they are pleaſed to term their right of impoſing taxes within theſe United States; and alſo the draught of a bill to enable the King of Great-Britain to appoint commiſſioners, with powers to treat, conſult and agree upon, the means of quieting certain diſorders within the ſaid ſtates, beg leave to obſerve, that the ſaid paper being induſtriouſly circulated by emiſſaries of the enemy, in a partial and ſecret manner, the ſame ought to be forthwith printed for the publick information.

THE committee cannot aſcertain whether the contents of the ſaid paper have been framed in Philadelphia,

Philadelphia, or in Great-Britain, much leſs whether the ſame are really and truly intended to be brought into the parliament of that kingdom, or whether the ſaid parliament will confer thereon the uſual ſolemnities of their laws. But are inclined to believe this will happen, for the following reaſons:

1. BECAUSE their general hath made divers feeble efforts to ſet on foot ſome kind of treaty during the laſt winter, though, either from a miſtaken idea of his own dignity and importance, the want of information, or ſome other cauſe, he hath not made application to thoſe who are inveſted with a proper authority.

2. BECAUSE they ſuppoſe that the fallacious idea of a ceſſation of hoſtilities will render theſe ſtates remiſs in their preparations for war.

3. BECAUSE, believing the Americans wearied with war, they ſuppoſe we will accede to their terms for the ſake of peace.

4. BECAUSE they ſuppoſe that our negociations may be ſubject to a like corrupt influence with their debates.

5. BECAUSE they expect from this ſtep the ſame effects they did from what one of their miniſters thought proper to call his conciliatory motion, viz. that it will prevent foreign powers from

from giving aid to theſe ſtates; that it will lead their own ſubjects to continue a little longer the preſent war; and that it will detach ſome weak men in America from the cauſe of freedom and virtue.

6. BECAUSE their King, from his own ſhewing, hath reaſon to apprehend that his fleets and armies, inſtead of being employed againſt the territories of theſe ſtates, will be neceſſary for the defence of his own dominions. And,

7. BECAUSE the impracticability of ſubjugating this country being every day more and more manifeſt, it is their intereſt to extricate themſelves from the war upon any terms.

THE committee beg leave further to obſerve, that, upon a ſuppoſition the matters contained in the ſaid paper will really go into the Britiſh ſtatute-book, they ſerve to ſhew, in a clear point of view, the weakneſs and wickedneſs of the enemy.

Their weakneſs,

1. BECAUSE they formerly declared, not only that they had a right to bind the inhabitants of theſe ſtates in all caſes whatſoever, but alſo that the ſaid inhabitants ſhould abſolutely and unconditionally ſubmit to the exerciſe of that right. And this ſubmiſſion they have endeavoured to exact by the ſword. Receding from this claim, therefore,

therefore, under the preſent circumſtances, ſhews their inability to enforce it.

2. BECAUSE their prince had heretofore rejected the humbleſt petitions of the repreſentatives of America, praying to be conſidered as ſubjects, and protected in the enjoyment of peace, liberty and ſafety; and hath waged a moſt cruel war againſt them, and employed the ſavages to butcher innocent women and children. But now the ſame prince pretends to treat with thoſe very repreſentatives, and grant to the arms of America what he refuſed to her prayers.

3. BECAUSE they have uniformly laboured to conquer this continent, rejecting every idea of accommodation propoſed to them, from a confidence in their own ſtrength. Wherefore it is evident, from the change in their mode of attack, that they have loſt this confidence. And,

4. BECAUSE the conſtant language, ſpoken not only by their miniſters, but by the moſt publick and authentick acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans while they have arms in their hands. Notwithſtanding which, an offer is now about to be made for treaty.

THE WICKEDNESS and INSINCERITY of the enemy appear from the following conſiderations:

1. EITHER

1. EITHER the bills now to be paſſed contain a direct or indirect ceſſion of a part of their former claims, or they do not. If they do, then it is acknowledged that they have ſacrificed many brave men in an unjuſt quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force ſince, could procure her aſſent.

2. THE firſt of theſe bills appears, from the title, to be a declaration of the intentions of the Britiſh parliament, concerning the exerciſe of the right of impoſing taxes within theſe ſtates. Wherefore, ſhould theſe ſtates treat under the ſaid bill, they would indirectly acknowledge that right, to obtain which acknowledgment, the preſent war hath been avowedly undertaken and proſecuted on the part of Great-Britain.

3. SHOULD ſuch pretended right be ſo acquieſced in, then, of conſequence, the ſame might be exerciſed whenever the Britiſh parliament ſhould find themſelves in a different temper and diſpoſition; ſince it muſt depend upon thoſe, and ſuch like contingencies, how far men will act according to their former intentions.

4. THE ſaid firſt bill, in the body thereof, containeth no new matter, but is preciſely the ſame with the motion before-mentioned, and liable to all the objections which lay againſt the ſaid motion, excepting the following particular, viz. that

that by the motion actual taxation was to be ſuſpended, ſo long as America ſhould give as much as the ſaid parliament might think proper: whereas, by the propoſed bill, it is to be ſuſpended, as long as future parliaments continue of the ſame mind with the preſent.

5. From the ſecond bill it appears, that the Britiſh King may, if he pleaſes, appoint commiſſioners to treat and agree with thoſe, whom they pleaſe, about a variety of things therein mentioned. But ſuch treaties and agreements are to be of no validity, without the concurrence of the ſaid parliament, except ſo far as they relate to the ſuſpenſion of hoſtilities, and of certain of their acts, the granting of pardons, and the appointing of governors to theſe ſovereign, free and independent ſtates. Wherefore, the ſaid parliament have reſerved to themſelves, in expreſs words, the power of ſetting aſide any ſuch treaty, and taking the advantage of any circumſtances which may ariſe to ſubject this continent to their uſurpations.

6. The ſaid bill, by holding forth a tender of pardon, implies a criminality in our juſtifiable reſiſtance, and conſequently, to treat under it would be an implied acknowledgment that the inhabitants of theſe ſtates were, what Britain hath declared them to be, rebels.

7. The inhabitants of theſe ſtates being claim-

ed

ed by them as ſubjects, they may infer, from the nature of the negotiation now pretended to be ſet on foot, that the ſaid inhabitants would of right be afterwards bound by ſuch laws as they ſhould make. Wherefore any agreement entered into on ſuch negotiation might at any future time be repealed. And,

8. BECAUSE the ſaid bill purports, that the commiſſioners therein mentioned may treat with private individuals; a meaſure highly derogatory to the dignity of national character.

FROM all which it appears evident to your committee, that the ſaid bills are intended to operate upon the hopes and fears of the good people of theſe ſtates, ſo as to create diviſions among them, and a defection from the common cauſe, now, by the bleſſing of Divine Providence, drawing near to a favourable iſſue. That they are the ſequel of that inſidious plan, which, from the days of the ſtamp-act, down to the preſent time, hath involved this country in contention and bloodſhed. And that, as in other caſes ſo in this, although circumſtances may force them at times to recede from their unjuſtifiable claims, there can be no doubt but they will, as heretofore, upon the firſt favourable occaſion, again diſplay that luſt of domination, which hath rent in twain the mighty empire of Britain.

UPON the whole matter, the committee beg

leave to report it as their opinion, that as the Americans united in this arduous conteſt upon principles of common intereſt, for the defence of common rights and privileges, which union hath been cemented by common calamities, and by mutual good offices and affection, ſo the great cauſe for which they contend, and in which all mankind are intereſted, muſt derive its ſucceſs from the continuance of that union. Wherefore any man or body of men, who ſhould preſume to make any ſeparate or partial convention or agreement with commiſſioners under the crown of Great-Britain, or any of them, ought to be conſidered and treated as open and avowed enemies of theſe United States.

And further, your committee beg leave to report it as their opinion, that theſe United States cannot, with propriety, hold any conference with any commiſſioners on the part of Great-Britain, unleſs they ſhall, as a preliminary thereto, either withdraw their fleets and armies, or elſe, in poſitive and expreſs terms, acknowledge the independence of the ſaid ſtates.

And in as much as it appears to be the deſign of the enemies of theſe ſtates to lull them into a fatal ſecurity—to the end that they may act with a becoming weight and importance, it is the opinion of your committee, that the ſeveral ſtates be called upon to uſe the moſt ſtrenuous exertions to have their reſpective quotas of continental troops

troops in the field as ſoon as poſſible, and that all the militia of the ſaid ſtates be held in readineſs, to act as occaſion may require.

THIS report being read, and debated by paragraphs, was agreed to unanimouſly, and publiſhed.

NOTE XXVI. PAGE 181.

ON the 6th of July, 1775, the Congreſs publiſhed the following declaration:

IF it was poſſible for men, who exerciſe their reaſon, to believe, that the Divine Author of our exiſtence intended a part of the human race to hold an abſolute property in, and an unbounded power over others, marked out by his infinite goodneſs and wiſdom, as the objects of a legal domination never rightfully reſiſtible, however ſevere and oppreſſive, the inhabitants of theſe colonies might at leaſt require from the parliament of Great-Britain ſome evidence, that this dreadful authority over them has been granted to that body. But a reverence for our great Creator, principles of humanity, and the dictates of common ſenſe, muſt convince all thoſe who reflect upon the ſubject, that government was inſtituted to promote the welfare of mankind, and ought to be adminiſtered for the attainment of that end. The legiſlature of Great-Britain, however ſtimulated

mulated by an inordinate paſſion for a power not only unjuſtifiable, but which they know to be peculiarly reprobated by the very conſtitution of that kingdom, and deſperate of ſucceſs in any mode of conteſt, where regard ſhould be had to truth, law, or right, have at length, deſerting thoſe, attempted to effect their cruel and impolitick purpoſe of enſlaving theſe colonies by violence, and have thereby rendered it neceſſary for us to cloſe with their laſt appeal from reaſon to arms. Yet, however blinded that aſſembly may be, by their intemperate rage for unlimited domination, ſo to ſlight juſtice and the opinion of mankind, we eſteem ourſelves bound by obligations of reſpect to the reſt of the world, to make known the juſtice of our cauſe.

Our forefathers, inhabitants of the iſland of Great-Britain, left their native land to ſeek on theſe ſhores a reſidence for civil and religious freedom. At the expence of their blood, at the hazard of their fortunes, without the leaſt charge to the country from which they removed, by unceaſing labour and an unconquerable ſpirit, they effected ſettlements in the diſtant and inhoſpitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, veſted with perfect legiſlatures, were formed under charters from the crown, and an harmonious intercourſe was eſtabliſhed between the colonies and the kingdom from which they derived their origin. The mutual benefits of this union

union became in a ſhort time ſo extraordinary, as to excite aſtoniſhment. It is univerſally confeſſed, that the amazing increaſe of the wealth, ſtrength, and navigation of the realm, aroſe from this ſource; and the miniſter, who ſo wiſely and ſucceſsfully directed the meaſures of Great-Britain in the late war, publickly declared, that theſe colonies enabled her to triumph over her enemies. Towards the concluſion of that war, it pleaſed our ſovereign to make a change in his councils. From that fatal moment, the affairs of the Britiſh empire began to fall into confuſion, and gradually ſliding from the ſummit of glorious proſperity, to which they had been advanced by the virtues and abilities of one man, are at length diſtracted by the convulſions, that now ſhake it to its deepeſt foundations. The new miniſtry finding the brave foes of Britain, though frequently defeated, yet ſtill contending, took up the unfortunate idea of granting them a haſty peace, and of then ſubduing her faithful friends.

THESE devoted colonies were judged to be in ſuch a ſtate, as to preſent victories without bloodſhed, and all the eaſy emoluments of ſtatuteable plunder. The uninterrupted tenor of their peaceable and reſpectful behaviour from the beginning of colonization, their dutiful, zealous, and uſeful ſervices during the war, though ſo recently and amply acknowledged in the moſt honourable manner by his majeſty, by the late King, and by parliament, could not ſave them from

from the meditated innovations. Parliament was influenced to adopt the pernicious project, and aſſuming a new power over them, have, in the courſe of eleven years, given ſuch deciſive ſpecimens of the ſpirit and conſequences attending this power, as to leave no doubt concerning the effects of acquieſcence under it. They have undertaken to give and grant our money without our conſent, though we have ever exerciſed an excluſive right to diſpoſe of our own property; ſtatutes have been paſſed for extending the juriſdiction of courts of admiralty and vice-admiralty beyond their ancient limits; for depriving us of the accuſtomed and ineſtimable privilege of trial by jury in caſes affecting both life and property; for ſuſpending the legiſlature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government eſtabliſhed by charter, and ſecured by acts of its own legiſlature, ſolemnly confirmed by the crown; for exempting the 'murderers' of coloniſts from legal trial, and, in effect, from puniſhment; for erecting in a neighbouring province, acquired by the joint arms of Great-Britain and America, a deſpotiſm dangerous to our very exiſtence; and for quartering ſoldiers upon the coloniſts in time of profound peace. It has alſo been reſolved in parliament, that coloniſts charged with committing certain offences, ſhall be tranſported to England to be tried.

But why ſhould we enumerate our injuries in detail? By one ſtatute it is declared, that parliament can 'of right, make laws to bind us in 'all caſes whatſoever.' What is to defend us againſt ſo enormous, ſo unlimited a power? Not a ſingle man of thoſe who aſſume it, is choſen by us; or is ſubject to our control or influence; but, on the contrary, they are all of them exempt from the operation of ſuch laws, and an American revenue, if not diverted from the oſtenſible purpoſes for which it is raiſed, would actually lighten their own burdens in proportion as they increaſe ours. We ſaw the miſery to which ſuch deſpotiſm would reduce us. We, for ten years, inceſſantly and ineffectually, beſieged the throne as ſupplicants; we reaſoned, we remonſtrated with parliament in the moſt mild and decent language.

Administration, ſenſible that we ſhould regard theſe oppreſſive meaſures as freemen ought to do, ſent over fleets and armies to enforce them. The indignation of the Americans was rouſed, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A congreſs of delegates from the United Colonies was aſſembled at Philadelphia, on the fifth day of laſt September. We reſolved again to offer an humble and dutiful petition to the King, and alſo addreſſed our fellow-ſubjects of Great-Britain. We have purſued every temperate, every reſpectful meaſure; we have even proceeded to break

break off our commercial intercourſe with our fellow-ſubjects, as the laſt peaceable admonition, that our attachment to no nation upon earth ſhould ſupplant our attachment to liberty. This, we flattered ourſelves, was the ultimate ſtep of the controverſy: but ſubſequent events have ſhewn, how vain was this hope of finding moderation in our enemies.

SEVERAL threatening expreſſions againſt the colonies were inſerted in his majeſty's ſpeech; our petition, though we were told it was a decent one, and that his majeſty had been pleaſed to receive it graciouſly, and to promiſe laying it before his parliament, was huddled into both houſes among a bundle of American papers, and there neglected. The lords and commons in their addreſs, in the month of February, ſaid, 'that a rebellion at that time actually exiſted 'within the province of Maſſachuſetts-Bay; and 'that thoſe concerned in it had been counte-'nanced and encouraged by unlawful combina-'tions and engagements, entered into by his 'majeſty's ſubjects in ſeveral of the other colo-'nies; and therefore they beſought his majeſty, 'that he would take the moſt effectual meaſures 'to enforce due obedience to the laws and au-'thority of the ſupreme legiſlature.' Soon after the commercial intercourſe of whole colonies, with foreign countries, and with each other, was cut off by an act of parliament; by another, ſeveral of them were entirely prohibited from the

fiſheries

fiſheries in the ſeas near their coaſts, on which they always depended for their ſuſtenance; and large reinforcements of ſhips and troops were immediately ſent over to general Gage.

FRUITLESS were all the entreaties, arguments, and eloquence of an illuſtrious band of the moſt diſtinguiſhed peers and commoners, who nobly and ſtrenuouſly aſſerted the juſtice of our cauſe, to ſtay, or even to mitigate the heedleſs fury with which theſe accumulated and unexampled outrages were hurried on. Equally fruitleſs was the interference of the city of London, of Briſtol, and many other reſpectable towns, in our favour. Parliament adopted an inſidious manœuvre, calculated to divide us, to eſtabliſh a perpetual auction of taxations where colony ſhould bid againſt colony, all of them uninformed what ranſom ſhould redeem their lives; and thus to extort from us, at the point of the bayonet, the unknown ſums that ſhould be ſufficient to gratify, if poſſible to gratify, miniſterial rapacity, with the miſerable indulgence left to us of raiſing, in our own mode, the preſcribed tribute. What terms more rigid and humiliating could have been dictated by remorſeleſs victors to conquered enemies? In our circumſtances to accept them, would be to deſerve them.

SOON after the intelligence of theſe proceedings arrived on this continent, general Gage, who, in the courſe of the laſt year, had taken

poſſeſſion of the town of Boſton, in the province of Maſſachuſetts-Bay, and ſtill occupied it as a garriſon, on the 19th day of April, ſent out from that place a large detachment of his army, who made an unprovoked aſſault on the inhabitants of the ſaid province, at the town of Lexington, as appears by the affidavits of a great number of perſons, ſome of whom were officers and ſoldiers of that detachment, murdered eight of the inhabitants, and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they ſet upon another party of the inhabitants of the ſame province, killing ſeveral and wounding more, until compelled to retreat by the country people ſuddenly aſſembled to repel this cruel aggreſſion. Hoſtilities, thus commenced by the Britiſh troops, have been ſince proſecuted by them without regard to faith or reputation. The inhabitants of Boſton being confined within that town by the general, their governor, and having, in order to procure their diſmiſſion, entered into a treaty with him, it was ſtipulated, that the ſaid inhabitants having depoſited their arms with their own magiſtrates, ſhould have liberty to depart, taking with them their other effects. They accordingly delivered up their arms, but in open violation of honour, in defiance of the obligation of treaties, which even ſavage nations eſteemed ſacred, the governor ordered the arms depoſited as aforeſaid, that they might be preſerved for their owners, to be ſeized by a body of ſoldiers; detained the greateſt

part

part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their moſt valuable effects behind.

By this perfidy, wives are ſeparated from their huſbands, children from their parents, the aged and the ſick from their relations and friends, who wiſh to attend and comfort them; and thoſe who have been uſed to live in plenty and even elegance, are reduced to deplorable diſtreſs.

The general, further emulating his miniſterial maſters, by a proclamation bearing date on the 12th day of June, after venting the groſſeſt falſehoods and calumnies againſt the good people of theſe colonies, proceeds to 'declare them all, 'either by name or deſcription, to be rebels and 'traitors, to ſuperſede the courſe of the common 'law, and inſtead thereof to publiſh and order 'the uſe and exerciſe of the law martial.' His troops have butchered our countrymen, have wantonly burnt Charleſton, beſides a conſiderable number of houſes in other places; our ſhips and veſſels are ſeized; the neceſſary ſupplies of proviſions are intercepted, and he is exerting his utmoſt power to ſpread deſtruction and devaſtation around him.

We have received certain intelligence, that general Carleton, the governor of Canada, is inſtigating the people of that province, and the Indians, to fall upon us; and we have but too much

much reaſon to apprehend, that ſchemes have been formed to excite domeſtick enemies againſt us. In brief, a part of theſe colonies now feel, and all of them are ſure of feeling, as far as the vengeance of adminiſtration can inflict them, the complicated calamities of fire, ſword and famine. We are reduced to the alternative of chooſing an unconditional ſubmiſſion to the tyranny of irritated miniſters, or reſiſtance by force. The latter is our choice. We have counted the coſt of this conteſt, and find nothing ſo dreadful as voluntary ſlavery. Honour, juſtice and humanity, forbid us tamely to ſurrender that freedom which we received from our gallant anceſtors, and which our innocent poſterity have a right to receive from us. We cannot endure the infamy and guilt of reſigning ſucceeding generations to that wretchedneſs which inevitably awaits them, if we baſely entail hereditary bondage upon them.

Our cauſe is juſt. Our union is perfect. Our internal reſources are great, and, if neceſſary, foreign aſſiſtance is undoubtedly attainable. We gratefully acknowledge, as ſignal inſtances of the Divine Favour towards us, that his Providence would not permit us to be called into this ſevere controverſy, until we were grown up to our preſent ſtrength, had been previouſly exerciſed in warlike operation, and poſſeſſed of the means of defending ourſelves. With hearts fortified with theſe animating reflections, we moſt ſolemnly,

ly, before GOD and the world, DECLARE, that, exerting the utmoſt energy of thoſe powers, which our beneficent Creator hath graciouſly beſtowed upon us, the arms we have been compelled by our enemies to aſſume, we will, in defiance of every hazard, with unabating firmneſs and perſeverance, employ for the preſervation of our liberties; being with one mind reſolved to die freemen rather than to live ſlaves.

LEST this declaration ſhould diſquiet the minds of our friends and fellow-ſubjects in any part of the empire, we aſſure them that we mean not to diſſolve that union which has ſo long and ſo happily ſubſiſted between us, and which we ſincerely wiſh to ſee reſtored. Neceſſity has not yet driven us into that deſperate meaſure, or induced us to excite any other nation to war againſt them. We have not raiſed armies with ambitious deſigns of ſeparating from Great-Britain, and eſtabliſhing independent ſtates. We fight not for glory or for conqueſt. We exhibit to mankind the remarkable ſpectacle of a people attacked by unprovoked enemies, without any imputation or even ſuſpicion of offence. They boaſt of their privileges and civilization, and yet proffer no milder conditions than ſervitude or death.

IN our own native land, in defence of the freedom that is our birth-right, and which we ever enjoyed till the late violation of it—for the protection of our property, acquired ſolely by the honeſt

honeſt induſtry of our fore-fathers and ourſelves, againſt violence actually offered, we have taken up arms. We ſhall lay them down when hoſtilities ſhall ceaſe on the part of the aggreſſors, and all danger of their being renewed ſhall be removed, and not before.

WITH an humble confidence in the mercies of the ſupreme and impartial Judge and Ruler of the univerſe, we moſt devoutly implore his Divine Goodneſs to protect us happily through this great conflict, to diſpoſe our adverſaries to reconciliation on reaſonable terms, and thereby to relieve the empire from the calamities of civil war.

NOTE

NOTE XXVII. PAGE 183.

The manifeſto and declaration of the earl of Carliſle, ſir Henry Clinton and William Eden, publiſhed on the third day of October, 1778.

To the members of the Congreſs, the members of the general aſſemblies or conventions of the ſeveral colonies, plantations and provinces of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, and all others, free inhabitants of the ſaid colonies, of every rank and denomination.

By the earl of Carliſle, ſir Henry Clinton and William Eden, eſquire, commiſſioners appointed by his majeſty in purſuance of an act of parliament, made and paſſed in the eighteenth year of his majeſty's reign, to enable his majeſty to appoint commiſſioners to treat, conſult, and agree upon the means of quieting the diſorders now ſubſiſting in certain of the colonies, plantations, and provinces in North-America.

HAVING amply and repeatedly made known to the Congreſs, and having alſo proclaimed to the inhabitants of North-America in general, the benevolent overtures of Great-Britain towards a re-union and coalition with her colonies, we do not think it conſiſtent either with the duty we owe

owe to our country, or with a juſt regard to the characters we bear, to perſiſt in holding out offers, which, in our eſtimation, required only to be known to be moſt gratefully accepted; and we have accordingly, excepting only the commander in chief, who will be detained by military duties, reſolved to return to England a few weeks after the date of this manifeſto and proclamation.

PREVIOUS, however, to this deciſive ſtep, we are led, by a juſt anxiety for the great objects of our miſſion, to enlarge on ſome points which may not have been ſufficiently underſtood, to recapitulate to our fellow-ſubjects the bleſſings which we are empowered to confer, and to warn them of the continued train of evils to which they are at preſent blindly and obſtinately expoſing themſelves.

To the members of the Congreſs, then, we again declare, that we are ready to concur in all ſatisfactory and juſt arrangements for ſecuring to them and their reſpective conſtituents, the reeſtabliſhment of peace, with the exemption from any impoſition of taxes by the parliament of Great-Britain, and the irrevocable enjoyment of every privilege conſiſtent with that union of intereſts and force on which our mutual proſperity and the ſafety of our common religion and liberty depend. We again aſſert, that the members of the Congreſs were not authorized by their conſtitution either to reject our offers without the previous

vious conſideration and conſent of the ſeveral aſſemblies and conventions, their conſtituents, or to refer us to pretended foreign treaties, which they know are deluſively framed in the firſt inſtance, and which have never yet been ratified by the people of this continent. And we once more remind the members of the Congreſs, that they are reſponſible to their countrymen, to the world, and to GOD, for the continuance of this war, and for all the miſeries with which it muſt be attended.

To the general aſſemblies and conventions of the different colonies, plantations and provinces above-mentioned, we now ſeparately make the offers which we originally tranſmitted to the Congreſs; and we hereby call upon and urge them to meet expreſsly for the purpoſe of conſidering whether every motive, political as well as moral, ſhould not decide their reſolution to embrace the occaſion of cementing a free and firm coalition with Great-Britain. It has not been, nor is it, our wiſh, to ſeek the objects, which we are commiſſioned to purſue, by fomenting popular diviſions and partial cabals; we think ſuch conduct would be ill ſuited to the generous nature of the offers made, and unbecoming the dignity of the King and the ſtate which makes them. But it is both our wiſh and our duty to encourage and ſupport any men or bodies of men in their return of loyalty to our ſovereign and of affection to our fellow-ſubjects.

To all others, free inhabitants of this once happy empire, we alſo addreſs ourſelves. Such of them as are actually in arms, of whatſoever rank or deſcription, will do well to recollect, that the grievances, whether real or ſuppoſed, which led them into this rebellion, have been for-ever removed, and that the juſt occaſion is arrived for their returning to the claſs of peaceful citizens. But if the honours of a military life are become their object, let them ſeek thoſe honours under the banners of their rightful ſovereign, and in fighting the battles of the united Britiſh empire againſt our late mutual and natural enemy.

To thoſe whoſe profeſſion it is to exerciſe the functions of religion on this continent, it cannot ſurely be unknown, that the foreign power with which the Congreſs is endeavouring to connect them, has ever been averſe to toleration, and inveterately oppoſed to the intereſts and freedom of the places of worſhip which they ſerve; and that Great-Britain, from whom they are for the preſent ſeparated, muſt, both from the principles of her conſtitution and of proteſtantiſm, be at all times the beſt guardian of religious liberty, and moſt diſpoſed to promote and extend it.

To all thoſe who can eſtimate the bleſſings of peace, and its influence over agriculture, arts and commerce, who can feel a due anxiety for the education and eſtabliſhment of their children, or who can place a juſt value on domeſtick ſecurity,

we think it ſufficient to obſerve, that they are made by their leaders to continue involved in all the calamities of war, without having either a juſt object to purſue, or a ſubſiſting grievance which may not inſtantly be redreſſed.

But if there be any perſons who, diveſted of miſtaken reſentments, and uninfluenced by ſelfiſh intereſts, really think that it is for the benefit of the colonies to ſeparate themſelves from Great-Britain, and that ſo ſeparated, they will find a conſtitution more mild, more free, and better calculated for their proſperity than that which they heretofore enjoyed, and which we are empowered and diſpoſed to renew and improve, with ſuch perſons we will not diſpute a poſition which ſeems to be ſufficiently contradicted by the experience they have had. But we think it right to leave them fully aware of the change which the maintaining ſuch a poſition muſt make in the whole nature and future conduct of this war; more eſpecially when to this poſition is added the pretended alliance with the court of France.—The policy, as well as the benevolence of Great-Britain, have thus far checked the extremes of war, when they tended to diſtreſs a people ſtill conſidered as our fellow-ſubjects, and to deſolate a country ſhortly to become a ſource of mutual advantage: but when that country profeſſes the unnatural deſign not only of eſtranging herſelf from us, but of mortgaging herſelf and her reſources to our enemies, the whole conteſt is changed;

changed; and the queſtion is, how far Great-Britain may, by every means in her power, deſtroy or render uſeleſs a connection contrived for her ruin, and for the aggrandizement of France. Under ſuch circumſtances the laws of ſelf-preſervation muſt direct the conduct of Great-Britain; and if the Britiſh colonies are to become an acceſſion to France, will direct her to render that acceſſion of as little avail as poſſible to her enemy.

If, however, there are any who think, that, notwithſtanding theſe reaſonings, the independence of the colonies will, in the reſult, be acknowledged by Great-Britain; to them we anſwer without reſerve, that we neither poſſeſs or expect powers for that purpoſe; and that, if Great-Britain could ever have ſunk ſo low as to adopt ſuch a meaſure, we ſhould not have thought ourſelves compellable to be the inſtruments in making a conceſſion, which would, in our opinion, be calamitous to the colonies, for whom it is made, and diſgraceful as well as calamitous, to the country from which it is required. And we think proper to declare, that in this ſpirit and ſentiment we have regularly written from this continent to Great-Britain.

It will now become the colonies in general to call to mind their own ſolemn appeals to Heaven in the beginning of this conteſt; that they took arms only for the redreſs of grievances; and that it

it would be their wiſh, as well as their intereſt, to remain for-ever connected with Great-Britain. We again aſk them, whether all their grievances, real or ſuppoſed, have not been amply and fully redreſſed? and we inſiſt, that the offers we have made, leave nothing to be wiſhed, in point either of immediate liberty or permanent ſecurity: if thoſe offers are now rejected, we withdraw from the exerciſe of a commiſſion with which we have in vain been honoured; the ſame liberality will no longer be due from Great-Britain, nor can it either in juſtice or policy be expected from her.

In fine, and for the fuller manifeſtation as well of the diſpoſition we bear, as of the gracious and generous purpoſes of the commiſſion under which we act, we hereby declare, that whereas his majeſty, in purſuance of an act, made and paſſed in the eighteenth ſeſſion of parliament, entitled, 'An act to enable his majeſty to appoint commiſſioners with ſufficient powers to treat, conſult and agree upon the means of quieting the diſorders now ſubſiſting in certain of the colonies, plantations and provinces of North-America,' having been pleaſed to authorize and empower us to grant a pardon or pardons to any number or deſcription of perſons within the colonies, plantations and provinces of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina,

South-Carolina and Georgia: and whereas the good effects of the ſaid authorities and powers towards the people at large, would have long ſince taken place, if a due uſe had been made of our firſt communications and overtures, and have thus far been fruſtrated only by the precipitate reſolution of the members of the Congreſs not to treat with us, and by their declining to conſult with their conſtituents: we now in making our appeal to thoſe conſtituents, and to the free inhabitants of this continent in general, have determined to give to them what in our opinion ſhould have been the firſt object of thoſe who appeared to have taken the management of their intereſts, and adopt this mode of carrying the ſaid authorities and powers into execution. We accordingly hereby grant and proclaim a pardon or pardons of all and all manner of treaſons or miſpriſions of treaſons, by any perſon or perſons, or by any number or deſcription of perſons within the ſaid colonies, plantations or provinces, counſelled, commanded, acted or done on or before the date of this manifeſto and proclamation.

And we further declare and proclaim, that if any perſon or perſons, or any number or deſcription of perſons within the ſaid colonies, plantations and provinces, now actually ſerving either in a civil or military capacity in this rebellion, ſhall, at any time during the continuance of this manifeſto and proclamation, withdraw himſelf or themſelves from ſuch civil or military ſervice, and

ſhall

ſhall continue thenceforth peaceably as a good and faithful ſubject or ſubjects to his majeſty, to demean himſelf or themſelves, ſuch perſon or perſons, or ſuch number and deſcription of perſons, ſhall become and be fully entitled to, and hereby obtain all the benefits of, the pardon or pardons hereby granted; excepting only from the ſaid pardon or pardons every perſon, and every number or deſcription of perſons, who, after the date of this manifeſto and proclamation, ſhall, under the pretext of authority, as judges, jurymen, miniſters, or officers of civil juſtice, be inſtrumental in executing and putting to death any of his majeſty's ſubjects within the ſaid colonies, plantations and provinces.

And we think proper further to declare, that nothing herein contained is meant, or ſhall be conſtrued, to ſet at liberty any perſon or perſons now being a priſoner or priſoners, or who, during the continuance of this rebellion, ſhall become a priſoner or priſoners.

And we offer to the colonies at large, or ſeparately, a general or ſeparate peace, with the revival of their ancient governments ſecured againſt any future infringements, and protected for-ever from taxation by Great-Britain. And, with reſpect to ſuch further regulations, whether civil, military or commercial, as they may wiſh to be framed and eſtabliſhed, we promiſe all the concurrence

concurrence and aſſiſtance that his majeſty's commiſſion authorizes and enables us to give.

And we declare, that this manifeſto and proclamation ſhall continue and be in force forty days from the date thereof, that is to ſay, from the third day of October to the eleventh day of November, both incluſive.

And, in order that the whole contents of this manifeſto and proclamation may be more fully known, we ſhall direct copies thereof, both in the Engliſh and German language, to be tranſmitted by flags of truce to the Congreſs, the general aſſemblies or conventions of the colonies, plantations and provinces, and to ſeveral perſons both in civil and military capacities within the ſaid colonies, plantations and provinces. And, for the further ſecurity in times to come of the ſeveral perſons or numbers or deſcriptions of perſons who are or may be the objects of this manifeſto and proclamation, we have ſet our hands and ſeals to thirteen copies thereof, and have tranſmitted the ſame to the thirteen colonies, plantations and provinces above-mentioned; and we are willing to hope that the whole of this manifeſto and proclamation will be fairly and freely publiſhed and circulated for the immediate, general and moſt ſerious conſideration and benefit of all his majeſty's ſubjects on this continent. And we earneſtly exhort all perſons who by this inſtrument forthwith receive the benefit of the King's

King's pardon, at the ſame time that they entertain a becoming ſenſe of thoſe lenient and affectionate meaſures whereby they are now freed from many grievous charges which might have riſen in judgment, or have been brought in queſtion againſt them, to make a wiſe improvement of the ſituation in which this manifeſto and proclamation places them, and not only to recollect, that a perſeverance in the preſent rebellion, or any adherence to the treaſonable connection attempted to be framed with a foreign power, will, after the preſent grace extended, be conſidered as crimes of the moſt aggravated kind, but to vie with each other in eager and cordial endeavours to ſecure their own peace, and promote and eſtabliſh the proſperity of their countrymen and the general weal of the empire.

AND, purſuant to his majeſty's commiſſion, we hereby require all officers, civil and military, and all others his majeſty's loving ſubjects whatſoever, to be aiding and aſſiſting unto us in the execution of this our manifeſto and proclamation, and of all the matters herein contained.

Given at New-York, this third day of October, 1778.

CARLISLE, (L. S.)
H. CLINTON, (L. S.)
WM. EDEN, (L. S.)

By their excellencies command,

ADAM FERGUSON, ſecretary.

NOTE XXVIII. PAGE 184.

By the CONGRESS of the United States of America,

MANIFESTO.

THESE United States having been driven to hoſtilities by the oppreſſive and tyrannous meaſures of Great-Britain; having been compelled to commit the eſſential rights of man to the deciſion of arms; and having been at length forced to ſhake off a yoke which had grown too burdenſome to bear, they declared themſelves free and independent.

CONFIDING in the juſtice of their cauſe; confiding in Him who diſpoſes of human events, although weak and unprovided, they ſet the power of their enemies at defiance.

IN this confidence they have continued through the various fortune of three bloody campaigns, unawed by the power, unſubdued by the barbarity of their foes. Their virtuous citizens have borne, without repining, the loſs of many things which make life deſirable. Their brave troops have patiently endured the hardſhips and dangers of a ſituation, fruitful in both beyond former example.

THE Congreſs, conſidering themſelves bound to

to love their enemies, as children of that Being who is equally the Father of all; and deſirous, ſince they could not prevent, at leaſt to alleviate, the calamities of war, have ſtudied to ſpare thoſe who were in arms againſt them, and to lighten the chains of captivity.

THE conduct of thoſe ſerving under the King of Great-Britain hath, with ſome few exceptions, been diametrically oppoſite. They have laid waſte the open country, burned the defenceleſs villages, and butchered the citizens of America. Their priſons have been the ſlaughter-houſes of her ſoldiers, their ſhips of her ſeamen, and the ſevereſt injuries have been aggravated by the groſſeſt inſult.

FOILED in their vain attempt to ſubjugate the unconquerable ſpirit of freedom, they have meanly aſſailed the repreſentatives of America with bribes, with deceit, and the ſervility of adulation. They have made a mock of humanity, by the wanton deſtruction of men: they have made a mock of religion, by impious appeals to GOD whilſt in the violation of his ſacred commands: they have made a mock even of reaſon itſelf, by endeavouring to prove, that the liberty and happineſs of America could ſafely be entruſted to thoſe who have ſold their own, unawed by the ſenſe of virtue or of ſhame.

TREATED with the contempt which ſuch conduct

duct deſerved, they have applied to individuals; they have ſolicited them to break the bonds of allegiance, and imbrue their ſouls with the blackeſt of crimes; but, fearing that none could be found through theſe United States equal to the wickedneſs of their purpoſe, to influence weak minds, they have threatened more wide devaſtation.

WHILE the ſhadow of hope remained, that our enemies could be taught by our example to reſpect thoſe laws which are held ſacred among civilized nations, and to comply with the dictates of a religion which they pretend in common with us to believe and to revere, they have been left to the influence of that religion and that example. But ſince their incorrigible diſpoſitions cannot be touched by kindneſs and compaſſion, it becomes our duty by other means to vindicate the rights of humanity.

WE, therefore, the Congreſs of the United States of America, do ſolemnly declare and proclaim, that if our enemies preſume to execute their threats, or perſiſt in their preſent career of barbarity, we will take ſuch exemplary vengeance as ſhall deter others from a like conduct. We appeal to that GOD who ſearcheth the hearts of men, for the rectitude of our intentions; and in His holy preſence we declare, that as we are not moved by any light and haſty ſuggeſtions of anger and revenge, ſo through every poſſible change of

of fortune we will adhere to this our determination.

Done in Congreſs, by unanimous conſent, the thirtieth day of October, one thouſand ſeven hundred and ſeventy-eight.

HENRY LAURENS, preſident.

Atteſt, CHARLES THOMSON, ſecretary.

NOTE XXIX. PAGE 188.

Articles of confederation and perpetual union between the ſtates of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

ARTICLE I. THE ſtyle of this confederacy ſhall be 'The United States of America.

ARTICLE II. Each ſtate retains its ſovereignty, freedom and independence, and every power, juriſdiction and right which is not by this confederation expreſsly delegated to the United States in Congreſs aſſembled.

ARTICLE III. The ſaid ſtates hereby ſeverally enter into a firm league of friendſhip with each other, for

for their common defence, the ſecurity of their liberties, and their mutual and general welfare, binding themſelves to aſſiſt each other, againſt all force offered to, or attacks made upon them, or any of them, on account of religion, ſovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to ſecure and perpetuate mutual friendſhip and intercourſe among the people of the different ſtates in this union, the free inhabitants of each of theſe ſtates, paupers, vagabonds, and fugitives from juſtice excepted, ſhall be entitled to all privileges and immunities of free citizens in the ſeveral ſtates; and the people of each ſtate ſhall have free ingreſs and regreſs to and from any other ſtate, and ſhall enjoy therein all the privileges of trade and commerce, ſubject to the ſame duties, impoſitions and reſtrictions as the inhabitants thereof reſpectively, provided that ſuch reſtrictions ſhall not extend ſo far as to prevent the removal of property imported into any ſtate, to any other ſtate of which the owner is an inhabitant; provided alſo, that no impoſition, duties or reſtriction, ſhall be laid by any ſtate on the property of the United States, or either of them.

IF any perſon guilty of, or charged with, treaſon, felony, or other high miſdemeanor in any ſtate, ſhall flee from juſtice, and be found in any of the United States, he ſhall, upon demand of the governor, or executive power of the ſtate from

from which he fled, be delivered up and removed to the ſtate having juriſdiction of his offence.

FULL faith and credit ſhall be given in each of theſe ſtates to the records, acts, and judicial proceedings of the courts and magiſtrates of every other ſtate.

ARTICLE V. For the more convenient management of the general intereſts of the United States, delegates ſhall be annually appointed in ſuch manner as the legiſlature of each ſtate ſhall direct, to meet in Congreſs on the firſt Monday in November, in every year, with a power reſerved to each ſtate, to recall its delegates, or any of them, at any time within the year, and to ſend others in their ſtead, for the remainder of the year.

No ſtate ſhall be repreſented in Congreſs by leſs than two, nor more than ſeven members; and no perſon ſhall be capable of being a delegate for more than three years, in any term of ſix years; nor ſhall any perſon, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any ſalary, fees, or emolument of any kind.

EACH ſtate ſhall maintain its own delegates in a meeting of the ſtates, and while they act as members of the committee of the ſtates.

IN

In determining queſtions in the United States in Congreſs aſſembled, each ſtate ſhall have one vote.

Freedom of ſpeech and debate in Congreſs ſhall not be impeached or queſtioned in any court, or place out of Congreſs, and the members of Congreſs ſhall be protected in their perſons from arreſts and impriſonments, during the time of their going to and from, and attendance on Congreſs, except for treaſon, felony, or breach of the peace.

Article VI. No ſtate, without the conſent of the United States in Congreſs aſſembled, ſhall ſend any embaſſy to, or receive any embaſſy from, or enter into any conference, agreement, alliance, or treaty with any king, prince or ſtate; nor ſhall any perſon, holding any office of profit or truſt under the United States, or any of them, accept of any preſent, emolument, office, or title of any kind whatever from any king, prince or foreign ſtate; nor ſhall the United States in Congreſs aſſembled, or any of them, grant any title of nobility.

No two or more ſtates ſhall enter into any treaty, confederation, or alliance whatever between them, without the conſent of the United States in Congreſs aſſembled, ſpecifying accurately the purpoſes for which the ſame is to be entered into, and how long it ſhall continue.

No

No ſtate ſhall lay any impoſts or duties, which may interfere with any ſtipulations in treaties, entered into by the United States in Congreſs aſſembled, with any king, prince or ſtate, in purſuance of any treaties already propoſed by Congreſs, to the courts of France and Spain.

No veſſels of war ſhall be kept up in time of peace by any ſtate, except ſuch number only as ſhall be deemed neceſſary by the United States in Congreſs aſſembled, for the defence of ſuch ſtate, or its trade; nor ſhall any body of forces be kept up by any ſtate in time of peace, except ſuch number only, as in the judgment of the United States in Congreſs aſſembled, ſhall be deemed requiſite to garriſon the forts neceſſary for the defence of ſuch ſtate; but every ſtate ſhall always keep up a well-regulated and diſciplined militia, ſufficiently armed and accoutred, and ſhall provide and conſtantly have ready for uſe, in publick ſtores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No ſtate ſhall engage in any war without the conſent of the United States in Congreſs aſſembled, unleſs ſuch ſtate be actually invaded by enemies, or ſhall have received certain advice of a reſolution being formed by ſome nation of Indians to invade ſuch ſtate, and the danger is ſo imminent as not to admit of a delay, till the United States in Congreſs aſſembled can be con-

 ſulted:

ſulted: nor ſhall any ſtate grant commiſſions to any ſhips or veſſels of war, nor letters of marque or repriſal, except it be after a declaration of war by the United States in Congreſs aſſembled, and then only againſt the kingdom or ſtate and the ſubjects thereof, againſt which war has been ſo declared, and under ſuch regulations as ſhall be eſtabliſhed by the United States in Congreſs aſſembled, unleſs ſuch ſtate be infeſted by pirates, in which caſe veſſels of war may be fitted out for that occaſion, and kept ſo long as the danger ſhall continue, or until the United States in Congreſs aſſembled ſhall determine otherwiſe.

ARTICLE VII. When land-forces are raiſed by any ſtate for the common defence, all officers of, or under the rank of colonel, ſhall be appointed by the legiſlature of each ſtate reſpectively, by whom ſuch forces ſhall be raiſed, or in ſuch manner as ſuch ſtate ſhall direct, and all vacancies ſhall be filled up by the ſtate which firſt made the appointment.

ARTICLE VIII. All charges of war, and all other expences that ſhall be incurred for the common defence or general welfare, and allowed by the United States in Congreſs aſſembled, ſhall be defrayed out of a common treaſury, which ſhall be ſupplied by the ſeveral ſtates, in proportion to the value of all land within each ſtate, granted to or ſurveyed for any perſon, as ſuch land and the buildings and improvements thereon

ſhall

ſhall be eſtimated, according to ſuch mode as the United States in Congreſs aſſembled ſhall from time to time direct and appoint. The taxes for paying that proportion ſhall be laid and levied by the authority and direction of the legiſlatures of the ſeveral ſtates within the time agreed upon by the United States in Congreſs aſſembled.

ARTICLE IX. The United States in Congreſs aſſembled ſhall have the ſole and excluſive right and power of determining on peace and war, except in the caſes mentioned in the ſixth Article; of ſending and receiving ambaſſadors; entering into treaties and alliances, provided that no treaty of commerce ſhall be made, whereby the legiſlative power of the reſpective ſtates ſhall be reſtrained from impoſing ſuch impoſts and duties on foreigners, as their own people are ſubjected to, or from prohibiting the exportation or importation of any ſpecies of goods or commodities whatſoever; of eſtabliſhing rules for deciding in all caſes, what captures on land or water ſhall be legal, and in what manner prizes taken by land or naval forces in the ſervice of the United States ſhall be divided or appropriated; of granting letters of marque and repriſal in times of peace; appointing courts for the trial of piracies and felonies committed on the high ſeas, and eſtabliſhing courts for receiving and determining finally appeals in all caſes of captures, provided that no member of Congreſs ſhall be appointed a judge of any of the ſaid courts.

THE

THE United States in Congreſs aſſembled ſhall alſo be the laſt reſort on appeal in all diſputes and differences now ſubſiſting, or that hereafter may ariſe between two or more ſtates concerning boundary, juriſdiction, or any other cauſe whatever; which authority ſhall always be exerciſed in the manner following: whenever the legiſlative or executive authority or lawful agent of any ſtate in controverſy with another, ſhall preſent a petition to Congreſs, ſtating the matter in queſtion, and praying for a hearing, notice thereof ſhall be given by order of Congreſs to the legiſlative or executive authority of the other ſtate in controverſy, and a day aſſigned for the appearance of the parties by their lawful agents, who ſhall then be directed to appoint by joint conſent, commiſſioners or judges to conſtitute a court for hearing and determining the matter in queſtion; but if they cannot agree, Congreſs ſhall name three perſons out of each of the United States, and from the liſt of ſuch perſons each party ſhall alternately ſtrike out one, the petitioners beginning, until the number ſhall be reduced to thirteen; and from that number not leſs than ſeven, nor more than nine names, as Congreſs ſhall direct, ſhall, in the preſence of Congreſs, be drawn out by lot; and the perſons whoſe names ſhall be ſo drawn, or any five of them, ſhall be commiſſioners or judges, to hear and finally determine the controverſy, ſo always as a major part of the judges, who ſhall hear the cauſe, ſhall agree

agree in the determination: and if either party ſhall neglect to attend at the day appointed, without ſhewing reaſons which Congreſs ſhall judge ſufficient, or being preſent ſhall refuſe to ſtrike, the Congreſs ſhall proceed to nominate three perſons out of each ſtate, and the ſecretary of Congreſs ſhall ſtrike in behalf of ſuch party abſent or refuſing; and the judgment and ſentence of the court to be appointed, in the manner before preſcribed, ſhall be final and concluſive; and if any of the parties ſhall refuſe to ſubmit to the authority of ſuch court, or to appear or defend their claim or cauſe, the court ſhall, nevertheleſs, proceed to pronounce ſentence, or judgment, which ſhall, in like manner, be final and deciſive; the judgment or ſentence, and other proceedings, being in either caſe tranſmitted to Congreſs, and lodged among the acts of Congreſs, for the ſecurity of the parties concerned: provided, that every commiſſioner, before he ſits in judgment, ſhall take an oath, to be adminiſtered by one of the judges of the ſupreme or ſuperior court of the ſtate, where the cauſe ſhall be tried, 'well and truly to hear and determine the mat-'ter in queſtion, according to the beſt of his 'judgment, without favour, affection, or hope 'of reward:' provided alſo, that no ſtate ſhall be deprived of territory, for the benefit of the United States.

ALL controverſies concerning the private right of ſoil claimed under different grants of two or more

more ſtates, whoſe juriſdictions as they may reſpect ſuch lands, and the ſtates which paſſed ſuch grants are adjuſted, the ſaid grants or either of them being at the ſame time claimed to have originated antecedent to ſuch ſettlement of juriſdiction, ſhall, on the petition of either party to the Congreſs of the United States, be finally determined, as near as may be, in the ſame manner as is before preſcribed for deciding diſputes reſpecting territorial juriſdiction between different ſtates.

THE United States in Congreſs aſſembled ſhall alſo have the ſole and excluſive right and power of regulating the alloy and value of coin ſtruck by their own authority, or by that of the reſpective ſtates; fixing the ſtandard of weights and meaſures throughout the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the ſtates, provided that the legiſlative right of any ſtate within its own limits be not infringed or violated; eſtabliſhing and regulating poſt-offices from one ſtate to another, throughout all the United States, and exacting ſuch poſtage on the papers paſſing through the ſame, as may be requiſite to defray the expences of the ſaid office; appointing all officers of the land-forces, in the ſervice of the United States, excepting regimental officers; appointing all the officers of the naval-forces, and commiſſioning all officers whatever in the ſervice of the United States; making rules for the government

vernment and regulation of the ſaid land and naval-forces, and directing their operations.

THE United States in Congreſs aſſembled ſhall have authority to appoint a committee, to ſit in the receſs of Congreſs, to be denominated 'A 'Committee of the States,' and to conſiſt of one delegate from each ſtate; and to appoint ſuch other committees and civil officers as may be neceſſary for managing the general affairs of the United States under their direction; to appoint one of their number to preſide, provided that no perſon be allowed to ſerve in the office of preſident more than one year in any term of three years; to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United States, and to appropriate and apply the ſame for defraying the publick expences; to borrow money or emit bills on the credit of the United States, tranſmitting every half year to the reſpective ſtates, an account of the ſums of money ſo borrowed or emitted; to build and equip a navy; to agree upon the number of land-forces, and to make requiſitions from each ſtate for its quota, in proportion to the number of white inhabitants in ſuch ſtate, which requiſition ſhall be binding, and thereupon the legiſlature of each ſtate ſhall appoint the regimental officers, raiſe the men, and clothe, arm, and equip them in a ſoldier-like manner, at the expence of the United States, and the officers and men ſo clothed, armed and equipped, ſhall march to the place appointed, and within the time

time agreed on by the United States in Congreſs aſſembled; but if the United States in Congreſs aſſembled ſhall, on conſideration of circumſtances, judge proper that any ſtate ſhould not raiſe men, or ſhould raiſe a ſmaller number than its quota, and that any other ſtate ſhould raiſe a greater number of men than the quota thereof, ſuch extra number ſhall be raiſed, officered, clothed, armed, and equipped in the ſame manner as the quota of ſuch ſtate, unleſs the legiſlature of ſuch ſtate ſhall judge that ſuch extra number cannot be ſafely ſpared out of the ſame, in which caſe they ſhall raiſe, officer, clothe, arm and equip, as many of ſuch extra number as they judge can be ſafely ſpared. And the officers and men ſo clothed, armed and equipped, ſhall march to the place appointed, and within the time agreed on by the United States in Congreſs aſſembled.

THE United States in Congreſs aſſembled ſhall never engage in a war, nor grant letters of marque and repriſal, in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor aſcertain the ſums and expences neceſſary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of veſſels of war, to be built or purchaſed, or the number of land or ſea-forces to be raiſed, nor appoint a commander in chief of the army or navy, unleſs nine ſtates aſſent

aſſent to the ſame: nor ſhall a queſtion on any other point, except for adjourning from day to day, be determined, unleſs by the votes of a majority of the United States in Congreſs aſſembled.

THE Congreſs of the United States ſhall have power to adjourn to any time within the year, and to any place within the United States, ſo that no period of adjournment be for a longer duration than the ſpace of ſix months, and ſhall publiſh the journal of their proceedings monthly, except ſuch parts thereof relating to treaties, alliances or military operations, as in their judgment require ſecrecy; and the yeas and nays of the delegates of each ſtate on any queſtion ſhall be entered on the journal, when it is deſired by any delegate; and the delegates of a ſtate, or any of them, at his or their requeſt, ſhall be furniſhed with a tranſcript of the ſaid journal, except ſuch parts as are above excepted, to lay before the legiſlatures of the ſeveral ſtates.

ARTICLE X. The committee of the ſtates, or any nine of them, ſhall be authorized to execute, in the receſs of Congreſs, ſuch of the powers of Congreſs as the United States in Congreſs aſſembled, by the conſent of nine ſtates, ſhall from time to time think expedient to veſt them with; provided that no power be delegated to the ſaid committee, for the exerciſe of which, by the articles of confederation, the voice of

nine ſtates, in the Congreſs of the United States aſſembled, is requiſite.

ARTICLE XI. Canada acceding to this confederation, and joining in the meaſures of the United States, ſhall be admitted into, and entitled to all the advantages of this union; but no other colony ſhall be admitted into the ſame, unleſs ſuch admiſſion be agreed to by nine ſtates.

ARTICLE XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congreſs, before the aſſembling of the United States, in purſuance of the preſent confederation, ſhall be deemed and conſidered as a charge againſt the United States, for payment and ſatisfaction whereof the ſaid United States, and the publick faith, are hereby ſolemnly pledged.

ARTICLE XIII. Every ſtate ſhall abide by the determinations of the United States in Congreſs aſſembled, on all queſtions which by this confederation are ſubmitted to them. And the articles of this confederation ſhall be inviolably obſerved by every ſtate, and the union ſhall be perpetual; nor ſhall any alteration at any time hereafter be made in any of them; unleſs ſuch alteration be agreed to in a congreſs of the United States, and be afterwards confirmed by the legiſlatures of every ſtate.

AND

AND whereas it hath pleaſed the Great Governor of the world to incline the hearts of the legiſlatures we reſpectively repreſent in Congreſs, to approve of, and to authorize us to ratify the ſaid articles of confederation and perpetual union: KNOW YE, that we, the underſigned delegates, by virtue of the power and authority to us given for that purpoſe, do, by theſe preſents, in the name and in behalf of our reſpective conſtituents, fully and entirely ratify and confirm each and every of the ſaid articles of confederation and perpetual union, and all and ſingular the matters and things therein contained. And we do further ſolemnly plight and engage the faith of our reſpective conſtituents, that they ſhall abide by the determinations of the United States in Congreſs aſſembled, on all queſtions which by the ſaid confederation are ſubmitted to them; and that the articles thereof ſhall be inviolably obſerved by the ſtates we reſpectively repreſent; and that the union ſhall be perpetual. IN WITNESS whereof, we have hereunto ſet our hands in Congreſs.

Done at Philadelphia, in the ſtate of Pennſylvania, the ninth day of July, in the year of our LORD, 1778, and in the third year of the independence of America.

THE aforeſaid articles of confederation were finally

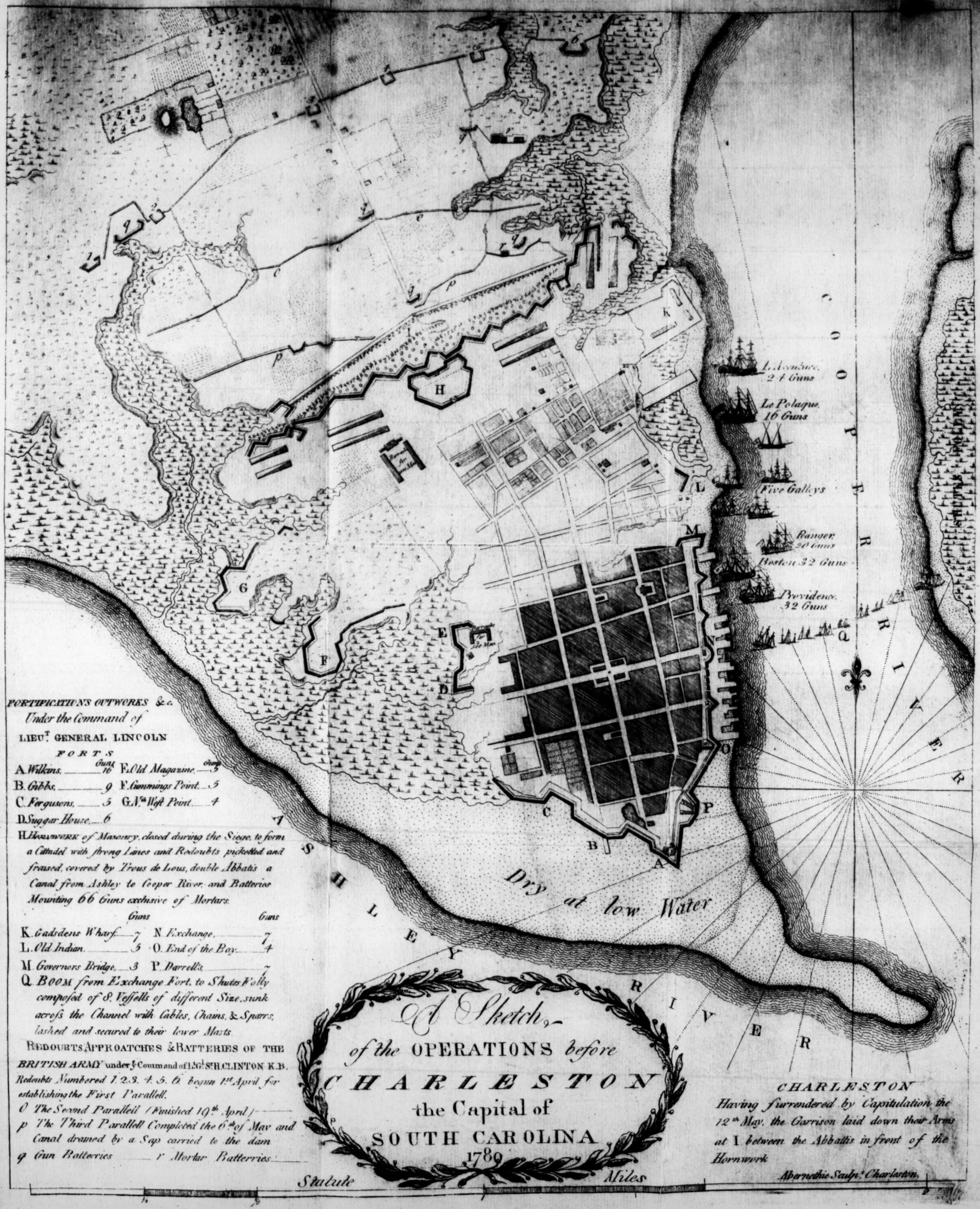
nally ratified on the firſt day of March 1781; the ſtate of Maryland having, by their members in Congreſs, on that day, acceded thereto, and completed the ſame.

NEW-HAMPSHIRE,	Joſiah Bartlett, John Wentworth, jun.
MASSACHUSETTS-BAY,	John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.
RHODE-ISLAND, &c.	William Ellery, Henry Merchant, John Collins.
CONNECTICUT,	Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hoſmer, Andrew Adams.
NEW-YORK,	James Duane, Francis Lewis, William Duer, Governeur Morris.
NEW-JERSEY,	John Witherſpoon, Nathaniel Scudder.
PENNSYLVANIA,	Robert Morris, Daniel Roberdeau, Jonathan-B. Smith, William Clingan, Joſeph Reed.

DELAWARE,	Thomas M'Kean, John Dickinſon, Nicholas Vandyke.
MARYLAND,	John Hanſon, Daniel Carroll.
VIRGINIA,	Richard-Henry Lee, John Baniſter, Thomas Adams, John Harvey, Francis-Lightfoot Lee.
NORTH-CAROLINA,	John Penn, Cornelius Harnett, John Williams.
SOUTH-CAROLINA,	Henry Laurens, William-H. Drayton, John Mathews, Richard Hutſon, Thomas Heyward, jun.
GEORGIA,	John Walton, Edward Telfair, Edward Langworthy.

END OF THE FIRST VOLUME.

MVSEVM
BRITAN
NICVM



FORTIFICATIONS OUTWORKS &c.
Under the Command of
LIEU.T GENERAL LINCOLN

FORTS

	Guns		Guns
A. *Wilkins*	16	F. *Old Magazine*	3
B. *Gibbs*	9	F. *Cummings Point*	5
C. *Fergusons*	5	G. *N.W. West Point*	4
D. *Sugar House*	6		

H. *Hornwork of Masonry, closed during the Siege, to form a Citadel with strong Lines and Redoubts picketted and fraised, covered by Trous de Lous, double Abbatis a Canal from Ashley to Cooper River, and Batteries Mounting 66 Guns exclusive of Mortars.*

	Guns		Guns
K. *Gadsdens Wharf*	7	N. *Exchange*	7
L. *Old Indian*	5	O. *End of the Bay*	4
M. *Governors Bridge*	3	P. *Darrell's*	7

Q. *BOOM from Exchange Fort, to Shutes Folly composed of 8 Vessells of different Size, sunk across the Channel with Cables, Chains, & Sparrs, lashed and secured to their lower Masts.*

REDOUBTS APPROATCHES & BATTERIES OF THE *BRITISH ARMY* under the Command of LIEU.T GEN.L SIR H. CLINTON K.B.

Redoubts Numbered 1. 2. 3. 4. 5. 6. begun 1st April for establishing the First Parallell.

O The Second Parallell (Finished 19th April)

p The Third Parallell Completed the 6th of May and Canal drained by a Sap carried to the dam

q Gun Batteries ____ *r Mortar Batteries* ____

A Sketch of the OPERATIONS *before* CHARLESTON the Capital of SOUTH CAROLINA 1780

Statute Miles

CHARLESTON
Having surrendered by Capitulation the 12th May, the Garrison laid down their Arms at 1 between the Abbatis in front of the Hornwork

Abernethie Sculp.t Charleston.